

Gender Based Violence in Higher Education: A Model of Protection and Law Enforcement

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Abstract

Gender-based violence is a phenomenon that is still encountered in academic environments, including at Semarang State University (UNNES). This study aims to analyze gender-based violence at

UNNES from the point of view of international law, international conventions that have been ratified by Indonesia related to women's protection, and existing regulations and policies at UNNES related to this issue. The research method used is a juridical normative approach by collecting data through literature studies, document analysis, and interviews with related parties. The results showed that gender-based violence at UNNES includes various forms, including sexual harassment, gender discrimination, gender stereotypes, and policies that are not in favor of women. This research also revealed that UNNES has adopted several regulations and policies related to gender issues, but there is still a gap between existing policies and their implementation. In addition, international conventions that have been ratified by Indonesia are also an important basis in protecting women from gender-based violence in the academic environment. This research provides recommendations to UNNES to strengthen the implementation of existing regulations and policies related to gender issues, as well as increase awareness and understanding of gender-based violence to the entire UNNES academic community. In addition, this research is also expected to be a reference for researchers and policy makers in dealing with the issue of gender-based violence in the university environment and encourage the adoption of policies that favor the protection of women's rights.

Keywords

Gender-Based Violence, Victim Protection, Law Enforcement, Legal Policy, Higher Education

A. Introduction

Violence is a social phenomenon that is no longer something new in human life. According to Thomas Hobbes, violence is a trait that is ingrained in humans. In contrast to the opinion of Jean Jacques Rousseau who suggested that civilization that makes humans become

like animals that have an attacking nature like the current situation¹. So based on the opinions of Thomas Hobbes and J.J. Rousseau, it is concluded that there are two factors that make humans tend to do evil, namely, human nature itself and the human environment. Violence is also one of the increasing forms of crime accompanied by the development of technology, the needs of society, intense interaction, and the nature of human individualism.

By and large violence can be articulated with reference to examples of abuse of authority, inequality, and domination of one group over another. Abuse of power involves the use of coercion, including lying to others, which harms their moral character and the beliefs of others who are victimized². The intense interaction here is based on the fact that humans are social creatures who in every life will interact with other humans. Every human being must have a different personality so that from these differences can cause a conflict which will also cause violence if the conflict cannot be resolved.

Indonesia has a very large population, therefore the number of cases of violence in Indonesia each year is not small in 2023 based on data from SIMFONI-PPA data inputted on January 1, 2023 until now there are 7,469 cases of violence that occur in Indonesia and the highest cases of violence are located in West Java Province, which is 871 cases³. Meanwhile, in 2022, the number of verified cases of violence was 27,593 cases. One of the most frequent violence in Indonesia is gender-based violence. Gender-based violence is all harmful behavior committed by someone attached to differences between men and women resulting in physical, mental, and sexual suffering including behavior that limits one's freedom or coercion in doing an act that is dangerous with threats in it.

Violence, particularly gender-based violence, is facilitated by other complex societal structures such as socio-religious morality, cultural viewpoints, economic background, ideology, and supportive

¹ Anggreany Arief, "The Phenomenon of Gender-Based Violence & Efforts to Overcome It," *Petitum* 6, no. 2339–2330 (2018): 76–86, <https://uit.e-journal.id/JPetitum/article/view/637/485>.

² Ani Purwanti, *Gender-Based Violence* (Yogyakarta: Bildung, 2020).

³ Symphony-PPA, "The Number of Violence Cases in Indonesia," <https://kekerasan.kemenpppa.go.id/>, 2022, <https://kekerasan.kemenpppa.go.id/ringkasan>.

legal systems. Later, this social order often gave birth to the practice of gender-based violence. In general, gender-based violence afflicts many family members, including husbands, wives, children, domestic workers (domestic helpers), and other family members. However, of all these parties, gender-based violence is generally carried out on patriarchal grounds, with men always being the attackers and women always being the victims. In fact, all citizens without exception have the principle of equality which means that every citizen has equal rights before the law and government regardless of religion, ethnicity, type of seamy, position, or groups with the aim of eliminating discrimination. This has been explained and recognized in Article 27 paragraph (1) of the 1945 Constitution.

Women are the most vulnerable and victims of gender-based violence. Cases of violence against women continue to increase from year to year, so that the proportion of women who experience violence and those who do not experience violence is getting closer. Gender-based violence against women in education mainly occurs in universities. In fact, there were 567 incidents of violence against women in the education environment for the 2015-2021 period. Sexual violence occurred in the educational environment by 87.91 percent, psychological violence by 8.8 percent, and discrimination by 8.8 percent. Then there was 1.1 percent physical violence.⁴

The fact of women as victims of violence is also supported by the UN declaration on the elimination of violence against women defining women as: "any act of gender-based violence that results in physical, sexual, or psychological harm including threats, deprivation of liberty, coercion, or such acts that cause suffering to women, whether occurring in public or in private life". This statement introduces a gender-based term emphasizing that it is rooted in inequality between women and men⁵.

⁴ Anugrah Andriansyah, "Komnas Perempuan: Cases of Sexual Violence in the Educational Environment, the Most Higher in Universities," *Voa Indonesia*, 2022.

⁵ Kasmanto Rinaldi, *Crime Dynamics and Prevention Portrait of Several Crime Cases in Riau Province* (Malang: Ahlimedia Book, 2022). *See also* Ratnasari, Eny, Suwandi Sumartias, and Rosnandar Romli. "Social media, digital activism, and online gender-based violence in Indonesia." *Nyimak: Journal of Communication* 5.1 (2021): 97-116; Saraswati, Rika. "Gender bias in Indonesian

Paradoc of doxa is a framework about the dominance of masculinity proposed by Bordieu where the basis from the point of view of permanent gender formulation and changes is at an unequal level so that it becomes the root of the problem of the continuation of unequal relationships so that sexual violence can continue to occur, especially in the university environment. Masculinity dominance is a prime example of paradoxical submission of violence where violence occurs covertly so that it takes place in 'peace' until the victim is unable to see it, in which case the crime of sexual violence and gender-based violence occurs in a situation of submission by the victim which makes masculine dominance take place naturally and justified⁶.

Gender-based violence is one of the problems in Indonesia that must be addressed immediately so that victims and cases do not increase. So many things can be done for the protection and enforcement of gender-based violence laws, including: optimizing institutions related to the protection of women from violence by adding information and education to the public to better understand the flow of complaints and be more courageous to speak out; conducting small campaigns through social media as a preventive measure to prevent gender-based violence and stimulate women victims in Indonesia to be more courageous in speaking out in reporting violence to the authorities⁷.

Violence is a social phenomenon whose nature is ingrained in humans. One form of violence that often occurs is gender-based violence which is facilitated by other complex societal structures, such

courts: Is Perma No. 3 of 2017 the solution for gender-based violence cases?." *Laws* 10, no. 1 (2020).

⁶ Khaerul Umam Noer et al., *Dismantling Sexual Violence in Higher Education: Early Thoughts* (Jakarta: Yayasan Pustaka Obor Indonesia, 2022). See also McGregor, Katharine, Ana Dragojlovic, and Hannah Loney, eds. *Gender, Violence and Power in Indonesia: Across Time and Space*. (London: Routledge, 2020).

⁷ Stella Hita Arawinda, "Legal Protection of Women Victims of Online Gender-Based Violence in Indonesia," *Yustika Journal: Media Law and Justice* 24, no. 02 (2022): 76–90, <https://doi.org/10.24123/yustika.v24i02.4599>. See also Setiawan, Sarno, et al. "Community empowerment on establishment of friendly-village for women and children." *Indonesian Journal of Advocacy and Legal Services* 1, no. 1 (2019): 5-22; Dewangga, Leonardus Novena. "What is the Position of Women in Law: A Book Review Women and the Law, Susan Atkins and Brenda Hoggett, Institute of Advanced Legal Studies, London UK, 2018, 284 Pages, ISBN 978-1911507109." *JILS (Journal of Indonesian Legal Studies)* 5, no. 2 (2020): 501-504.

as socio-religious morality, cultural viewpoints, economic background, ideology, and supportive legal systems. Based on the background as described above, the legal issues that will be discussed in this study are how are the efforts to protect victims and their law enforcement in cases of gender-based violence, and how is the role of universities in reducing the number of gender-based violence, especially those that occur on the UNNES campus?

B. Method

This research uses Library Research *methods* or literature research. Regarding this kind of research is usually also called "*Legal Research*". This research refers to legal materials so that it can be said to be *library based, focusing on reading and analysis and analysis of the primary and secondary materials*. In addition, several interviews were also added de conceptual approach (*conceptual approach*) and empirical approach (*empirical approach*), where in this study looked at various theories related to the protection and enforcement of gender-based violence laws in universities. *The conceptual approach* is used to see various views related to the implementation of rights protection and gender-based law enforcement in universities. *The Empirical Approach* will see how the development of gender-based violence in universities and law enforcement, as well as various implementations of gender-based violence rights protection realized in universities, especially Semarang State University.

C. Result and Discussion

1. Violence between Theories and Developments

According to Adorno in Kurniasari, violence is a form of social relationship that shows social abilities, ways of life, or from imitating models of behavior that occur in a person's social environment⁸. Violence is one of the most commonly reported forms of crime. The rise of violence seen from various sources is a sign that it cannot be separated from community actors who are less controlled, both due to

⁸ Alit Kurniasari, "The Impact of Violence on Children's Personality," *Sosio Informa* 5, no. 1 (2019): 15–24, <https://doi.org/10.33007/inf.v5i1.1594>. See also Ilahi, Andi Hidayat Anugrah. "The Evaluation of Early Marriage Law Renewal in Indonesia." *Unnes Law Journal* 7, no.1 (2021): 129-152.

low levels of education and the influence of poor social environments. In the context of violent crime, deviant behavior is determined by societal norms that apply in a value system adopted by a particular culture⁹.

The term violence is defined as a person's behavior towards others that can cause physical or psychic harm. Violence is unlawful behavior or mistreatment. Violence can be defined as acts that cause injury or death to others and cause physical harm to others. Violence that causes damage is violence that is contrary to the law (Big Dictionary Indonesian). Therefore, violence can be said to be a crime. Acts of violence have often occurred in the lives of Indonesian people. Often we can find acts of violence in public areas, even in households there are also cases of violence that occur in them¹⁰.

Forms of violence are generally classified into two, namely verbal violence and physical violence. According to Uno and Lamatenggo, forms of violence are grouped into four forms, which are as follows¹¹ :

1. Open violence, what is meant by open violence is violence that can be seen or observed directly and is related to the physical.
2. Covert violence, is hidden or indirectly implemented violence, such as threats, intimidation, and things that can make others feel afraid or distressed.
3. Aggressive violence, is violence carried out with the aim of getting something from another person, such as robbery, theft, rape, and murder.
4. Defensive violence, is violence committed as a protective measure.

Unlike Uno and Lamatenggo, psychologist Lieberman divides violence into two types, namely sexual violence and physical violence. Sexual violence is a person's behavior by hurting others in order to fulfill his sexual appetite. While physical violence is a form of violence committed to others in physical form, such as hitting, killing or kicking.

⁹ Yulianis Safrinadiya Rahman, "Violent Crime and Mass Brutalism (Criminological Perspective)," *Al-Adl : Journal of Law* 14, no. 2 (2022): 269, <https://doi.org/10.31602/al-adl.v14i2.6284>.

¹⁰ Hana Fairuz Mestika, "Legal Protection for Women Victims of Domestic Violence in Indonesia," *Indonesian Law Journal* 2 Law Student Writers Association, no. 1 (2022): 118–30, <https://doi.org/10.15294/ipmhi.v2i1.53743>.

¹¹ Weni Puspita, *Conflict Management: An Approach to Psychology, Communication, and Education* (Yogyakarta: Deepublish, 2018).

The above violent crimes can be classified as individual violent crimes, while those included in collective crimes (groups) are mass fights, fights between gangs of teenagers resulting in property damage or serious injury or death¹².

2. Gender-Based Violence: Prevention Model and Law Enforcement (Case of UNNES)

Violence is defined as unlawful behavior in the form of threats or already a real act that causes property or physical damage or results in the death of a person. Violence can be motivated by a person's social identity. This is due to a sense of superiority towards victims who are considered weaker and helpless. Gender becomes a social identity that causes violence in the midst of patriarchal culture.

Thomas Hobbes (1588-1679) argued that violence is human nature. In this scientific state, human life becomes evil, rude, savage, and short-sighted. While J.J. Rousseau (1712-1778) did not agree with Hobbes' opinion, according to Rousseau it was civilization that made humans into animals that have an attacking nature as they are today. So, there are two bases that make humans prone to evil, namely, human nature itself and the human environment.

Gender-based violence is a term that covers any harmful behavior committed against a person based on social aspects including gender attached by society that distinguishes between men and women. According to Komnas Perempuan which has just released its 2023 Annual Record (CATAHU) which records reports and data on violence against women received from various community institutions and government institutions, Gender-Based Violence (KBG) refers to dangerous actions directed at individuals based on gender. The KBG is rooted in gender inequality and abuse of power, most of which afflict women. KBG is also a serious violation of human rights.

Based on data obtained from LBH APIK Semarang, gender-based violence that occurred in 2021, as many as 18 of the 63 cases that entered showed that the victims were dominated by students / students and decreased in 2022, which was 7 cases from 44 cases entered. Then related to gender-based violence with the type of dating violence in the form of sexual and psychological violence, which is a case that is often

¹² Rahman, "Violent Crime and Mass Brutalism (Criminological Perspective)."

experienced by students entering LBH APIK Semarang totaling 4 cases in 2021 and 5 cases in 2022 and related to the type of online gender-based violence cases in the form of revenge porn as many as 9 cases in 2021 and 2022. Based on this information, it shows that no significant changes have occurred related to cases of gender-based violence that occur among students / students¹³.

Gender is different from sex because sex refers to the biological differences between men and women in terms of reproductive organs and functions, while gender is concerned with the attribution of socially and culturally generated roles. This patriarchal culture fosters the assumption that male control over women is natural, giving rise to the assumption that women are weaker social beings (inferior) and must accept men's orders. If you resist, you will be attacked. This is known as gender-based violence. Gender-based violence is defined as violence that reflects the asymmetry of power between men and women and reinforces the subjugation and devaluation of women compared to men. This violence is present within the framework of patriarchy as a symbolic system that gives birth to a series of daily practices that ignore women's rights and reproduce gender imbalances and inequalities¹⁴. The increasing use of the internet and social media opens up new opportunities for gender-based violence on social media.

The protest thesis of masculinity comes from the schools of sociology and gender studies and therefore comes from a very different academic tradition compared to the two previous approaches. The report considers the symbolic power of gender in shaping men's beliefs and behaviours. This places the crisis of masculinity as a source of male aggression in general, and violence against women more specifically. In this results section and discussion we discuss how gender violence that occurs in these groups can be explained using the concept of masculinity protest. We first discuss the features of masculinity hegemony in Northern Nigeria and how it relates to marriage, female dominance, and economic success. We consider how economic deprivation in the north has caused many young men to fail to advance socially and gain the power and rights they expect in socialisation, leading to a crisis of masculinity. This crisis led them to violence in protest against

¹³ LBH APIK Semarang, "LBH APIK Semarang Report" (Semarang, 2022).

¹⁴ Purwanti, Gender-Based Violence.

masculinity as a means of reaffirming their masculinity. This violence is considered excessive against many characteristics that have been associated with the hegemony of masculinity in society and reflects the existing social gender hierarchy.

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Based on the data below obtained from LBH APIK Semarang, there is no significant change that occurs related to cases of gender-based violence that occur among students. In 2021, there were 18 cases of violence based on the victim's occupation, where the victim was a student, constituting the highest percentage among the total of 63 cases. Out of these, 4 cases involved dating violence, specifically sexual and psychological violence, while 9 cases were related to online gender-based violence, specifically revenge porn. Among these incidents, 12 cases were perpetrated by a current or former romantic partner.

In 2022, there were 7 cases of violence based on the victim's occupation, where the victim was a student, out of a total of 44 cases. Although there was a decrease compared to the previous year, it still remains among the top-ranking categories. Out of these cases, 5 involved dating violence, specifically sexual and psychological violence, and 9 cases were related to online gender-based violence, particularly revenge porn.

The research conducted by researchers in the first and second stages is to focus on the views of Semarang State University students regarding gender-based violence that occurred at Semarang State University by asking several questions conducted through interviews. The following is a summary of the answers of respondents who have been interviewed.

Varieties of Gender-Based Violence Unfolding in the UNNES, within the confines of UNNES, respondents have unveiled a disconcerting tapestry of gender-based violence. Among the distressing occurrences are physical aggressions, encompassing acts of hitting and punching. Additionally, the atmosphere is tainted by instances of body shaming, where individuals fall victim to derogatory comments regarding their physique. Sexual violence further mars the environment, casting a shadow over personal safety. The auditory landscape is not spared, with catcalling echoing through the corridors, unsettling those who traverse them. Moreover, expressions of unwarranted affection, laden with discomfort, contribute to the complex dynamics of gender-based violence within the UNNES community. This intricate tapestry underscores the imperative for nuanced strategies to address and prevent such manifestations within the academic realm.

Perceptions of UNNES Male and Female Students Regarding Gender-Based Violence on Campus. According to respondents, there is a

consensus that gender-based violence must be dealt with decisively and unequivocally within the UNNES campus. The prevailing sentiment is a call for stringent actions to eradicate gender-based violence entirely, emphasizing that such acts should not be tolerated in any form. This collective perspective underscores the urgency of fostering a campus environment that is free from gender-based violence and highlights the imperative for clear and resolute measures to combat such behavior.

Factors Influencing the Occurrence of Gender-Based Violence at UNNES. Respondents have identified factors influencing the prevalence of gender-based violence at UNNES, categorizing them into internal and external factors. Internally, economic conditions, a lack of education on gender-based violence, patriarchal norms, and power dynamics play significant roles. On the external front, social relationships, a deficiency in clear and stringent regulations, environmental factors, and power dynamics are recognized as contributing factors to the occurrence of gender-based violence. This analysis provides insight into the complex interplay of elements shaping the landscape of gender-based violence within the UNNES community.

Impact of Gender-Based Violence on the Physical, Mental, and Emotional Well-being of UNNES Students. Respondents express that the consequences of gender-based violence pose significant and enduring dangers to individuals who experience it. The identified impacts manifest in profound ways, leading to alterations in the character and disposition of the victims. This insight underscores the severe and lasting repercussions that gender-based violence can inflict on the physical, mental, and emotional well-being of UNNES students, signaling the urgent need for comprehensive interventions to mitigate these detrimental effects.

Effectiveness of Policies and Prevention Programs Addressing Gender-Based Violence Implemented at UNNES. On average, respondents indicate that the effectiveness of policies and prevention programs addressing gender-based violence lies in the establishment of independent institutions, such as monitoring task forces, and providing intensive education regarding gender-based violence. However, some respondents express reservations, stating that the current policies and prevention programs may still fall short of being fully effective and optimal in addressing gender-based violence at UNNES. This divergence in opinions highlights the nuanced nature of evaluating the

impact and success of existing initiatives, suggesting the need for ongoing assessment and potential enhancements to better address the complex challenges associated with gender-based violence prevention.

Furthermore, the survey findings reveal diverse opinions regarding the prevalence of gender-based violence between male and female students at UNNES. A notable 20% of respondents believe that there is no discernible difference in the occurrence of such violence, emphasizing a perception of uniformity across genders. Conversely, an equal proportion of 20% contend that there are indeed differences in the prevalence, indicating a recognition of distinct experiences faced by male and female students. Another 12.5% of respondents assert that the prevalence is the same for both genders, while an additional 12.5% express uncertainty, underscoring the complexity of understanding and gauging the dynamics of gender-based violence within the UNNES student community. These varied perspectives highlight the necessity for nuanced and comprehensive approaches to address gender-based violence and its impact on both male and female students.

In addition, the responses from the survey shed light on the perceived role and responsibility of UNNES in addressing cases of gender-based violence involving students, faculty, or staff. A significant majority, accounting for 75% of respondents, express dissatisfaction with the perceived lack of involvement and responsibility demonstrated by UNNES in handling gender-based violence cases. Conversely, 25% of respondents acknowledge a relatively positive assessment, stating that UNNES exhibits a reasonably good performance in addressing cases of gender-based violence involving students, faculty, or staff. These findings underscore the need for heightened institutional commitment and effective strategies to address and prevent gender-based violence within the UNNES community.

Respondents highlight various factors that either impede or facilitate reporting and the handling of gender-based violence cases at UNNES. Among the factors identified, the campus image, delayed response times, inadequate awareness campaigns, and the absence of a dedicated institution for handling such cases emerge as significant hindrances. These barriers may contribute to a less supportive environment for survivors and a slower, less effective response to instances of gender-based violence. Recognizing and addressing these

impediments is crucial for creating a safer and more responsive system for handling such sensitive cases within the UNNES community.

D. Conclusion

In conclusion, this study underscores the persistent existence of gender-based violence at Universitas Negeri Semarang (UNNES) and delves into its multifaceted nature. Examining the issue through the lenses of international law, ratified conventions, and UNNES policies, the research sheds light on diverse forms of gender-based violence, including sexual harassment, discrimination, and unfavorable policies for women. Despite UNNES having enacted regulations, there exists a noticeable disparity between policy formulation and effective implementation. The ratified international conventions serve as crucial foundations for women's protection within the academic sphere. This study suggests that UNNES must intensify efforts to bridge the gap between existing policies and their actual implementation. Strengthening awareness and understanding of gender-based violence across the academic community is imperative. The findings and recommendations provided in this research aim to serve as a valuable resource for UNNES, encouraging a comprehensive approach to combat gender-based violence. Furthermore, this study seeks to contribute to the broader discourse on gender-based violence in university settings, offering insights for researchers and policymakers to adopt measures that unequivocally prioritize the protection of women's rights.

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Acknowledgment

None

Funding Information

This research funded by the Faculty of Law, Universitas Negeri Semarang through DPA Faculty of Law, Semarang State University Number: 81.15.5/UN37/PPK.08/2023

Conflicting Interest Statement

There is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in

any journal, and all sources cited in this work refer to the basic standards of scientific citation.