

Higher Education and Sexual Violence: Affirming the Rights of Victims in Indonesian Legal System

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Abstract

Sexual Violence Crimes are all acts that meet the elements of a criminal act as regulated in this Law and other acts of sexual violence as regulated in the Law as long as it is stipulated in this Law. Sexual violence is one of the crimes of sexual violence that often occurs in Indonesian society and even in the world. Sexual violence does not only occur in the public sphere but often occurs in the family sphere. Where family and home should be the safest shelter, but the bad things actually come from home and family. The purpose of this study is to analyze how the victimization study of the protection for victims of sexual violence that often occurs. From the victim herself, the lack of courage to tell about the sexual violence that has been experienced is one of the obstacles to proceeding the case to the authorities. The feeling of not being brave is also influenced by the community's thinking that victims of sexual violence are a disgrace. In juridical considerations, the judge looks for criminal elements and then looks at the facts at

trial, how the victim decides what will happen to the victim and the perpetrator. Psychological trauma to the victim must also be healed even if he is a long-term worker with the help of psychologists and psychiatrists.

Keywords

Victimology, Victims, Sexual Violence

I. Introduction

Humans as social creatures, will always coexist and need each other. Scientifically every human being will adjust himself to what is the desire in his environmental group in order to create order, harmony, and order between one another. One of the functions of law according to Lawrence M. Friedman is as social control or social *control*. This means that the law has a role to supervise and control the social environment in society, forcing people to want to behave according to the law. When someone violates a rule or law, they will get sanctioned.

The existence of rules or laws in society does not guarantee that everyone will obey and obey these rules. Not a few people who violate and get sanctions for their actions. Some of the lawlessness committed by some people only harms themselves and some harm others. By nature, humans do have a tendency to make various mistakes. Both small and big mistakes. So, rules are needed that can minimize the possibility of the mistake repeated. This rule is

indeed necessary because humans in their daily lives always intersect and interact with others.

With the current condition of society, it creates insecurity and discomfort among other people. The act of sexual violence is one that clearly violates the law and harms others. This does not only happen in public areas, but also happens in the realm of the family.

Sexual violence is an act of sexual nuances, both through physical and non-physical contact. These actions can make you feel uncomfortable, feel offended, feel degraded, and even cause physical and mental health problems. Of the many cases of sexual harassment in Indonesia and even in the world, women are victims with a fairly large percentage and the perpetrators are almost certainly men. This does not mean that no men are sexually harassed, but the number and proportion is relatively small. Thus, the urgency of discussing sexual harassment of women has been supported by strong facts without having to deny the opposite reality.

With no doubt, the increasing number of criminal acts of sexual violence that occur in society, reflects that moral norms in Indonesia have regressed. There are many cases of sexual violence happening now, ranging from rape, harassment, and rampant crimes to other moral issues. This sexual violence also does not look at the age of the victim.

In 2021, it was recorded in the Komnas Perempuan service institution that there were 2,363 cases. According to Komnas Perempuan, every two hours at least three Indonesian women experience sexual violence. Rape became the dominating case among them, reaching 579 cases or 25% of the total. The rest are marital rape, incest, sexual abuse, cases of copulation, cyberspace,

fornication, sexual slavery, sexual exploitation, and attempted rape.

Of the many cases recorded at Komnas Perempuan, it is a case that has indeed been revealed. It is certain that there are many more cases of sexual violence that occur in Indonesia that are not revealed for various reasons. Whether it is the lack of courage from victims to tell their families and report to the authorities, or the lack of law enforcement response to cases that have been reported but not followed up.

The problem at hand revolves around two primary inquiries. Firstly, an exploration into general concepts concerning Victimology, Victimhood, and Sexual Violence is essential. This involves delving into the theoretical foundations and overarching principles that underpin these concepts. Secondly, an examination of the effectiveness of enforcement measures and protective mechanisms within the campus environment for victims of sexual violence is warranted.¹ This involves a critical analysis of the existing policies, procedures, and support systems in place to safeguard individuals who have experienced sexual violence within the campus context. Addressing these aspects will contribute to a comprehensive understanding of the challenges and potential

¹ See Setiawan, Andry, et al. "Gender Based Violence in Higher Education: A Model of Protection and Law Enforcement." *Indonesian Journal of Advocacy and Legal Services* 5, no .1 (2023): 65-80; Widyawati, Anis, Pujiyono Pujiyono, and Nur Rochaeti. "Elimination of Sexual Violence in Feminist Legal Theory." *Journal of Indonesian Legal Studies* 6, no. 2 (2021): 333-352; Widyawati, Anis, Pujiyono Pujiyono, and Nur Rochaeti. "Elimination of Sexual Violence in Feminist Legal Theory." *Journal of Indonesian Legal Studies* 6, no. 2 (2021): 333-352; Prehatiningsih, Febry Dwi, et al. "Reconstruction of Legal Norms Through Harmonization of Sexual Crime Laws." *Unnes Law Journal* 9, no. 1 (2023): 45-66.

improvements necessary to enhance victim protection and support mechanisms on campus.

II. Method

This research uses normative legal research methods that are part of the doctrinal research typology. The research approach used is a conceptual and legal approach. The data sources used are secondary data or data obtained indirectly through literature studies. The secondary data is further divided into several parts, namely, primary legal rights, secondary legal materials, and tertiary legal materials. Primary legal materials are data that have legal force such as laws and regulations, while secondary and tertiary legal materials are data supporting primary legal materials such as previous published studies and related books.

III. Victim's Protection in the Victimology Perspective

Victimology, comes from *the* Latin victim which means victim and *logos* which means science. Terminologically, victimology means a study that studies the causes of victimhood and the consequences of victimization which are human problems as a social reality. Victimology is a scientific knowledge / study that studies a victimization (*criminal*) as a human problem that is a social reality.²

² Rena Yulia, *Victimology of Legal Protection for Victims of Crime*, Graha Ilmu, Yogyakarta, 2013, p.43.

Victimology is a term in English, namely Victimology which comes from Latin, namely "*Victima*" which means victim and "logos" which means study / science. Victimology undergoes three phases of development. At first, victimology only studied victims of crime. This phase is said to be penal or special victimology. In the second phase, victimology not only examines the problem of crime victims but includes accident victims. This phase is referred to as general victimology. The third phase, victimology has developed more broadly, namely examining the problem of victims of abuse of power and human rights, in this phase it is said to be new victimology.

According to J.E. Sahetapy, the definition of Victimology is a science or discipline that discusses the problem of victims in all aspects. Meanwhile, according to Arief Gosita, Victimology is a field of science that examines all aspects related to victims in various fields of their lives and livelihoods.

When it comes to victims of crime, our perspective is not detached from victimology. Through victimology, various aspects related to victims can be known, such as factors that cause the emergence of crime, how someone can become a victim, efforts to reduce the occurrence of victims of crime, rights and obligations of victims of crime.³

Historically, the definition of victimology is the science of victims. This understanding already seems to include a scientific discipline or some think that victimology is only a branch of criminology. The person who first used the term was the Israelite

³ Dikdik M. Arief Mansur & Elisatri Gultom, *The Urgency of Protecting Crime Victims between Norms and Reality*, PT. Raja Grafindo Persada, Jakarta, 2007, p.33.

Benjamin Mendelsohn, he is also considered the founding father of victimology. The position of victimology then clearly becomes an independent science either in the narrow, broad or new sense. The objectives of victimology are:

1. *To analyze the manifold aspect of the victims problem;*
2. *To explain the causes for victimization; and*
3. *To develop a system of measure for reducing human suffering.*

Of all the goals of victimology lies in the 3rd goal, so basically victimology is to reduce the suffering that exists in society and guarantee its life. The relationship between criminology and victimology cannot be doubted, because from one side Criminology discusses broadly about the perpetrators of a crime, while victimology here is the study of victims of a crime.

Victimology examines topics about victims, such as the role of victims in the occurrence of criminal acts, the relationship between perpetrators and victims, the vulnerable position of victims and the role of victims in the criminal justice system.

According to J.E. Sahetapy, the scope of victimology includes how a person (can) become a victim determined by a victimity that is not necessarily related to the problem of crime, including patterns of accident victims, and natural disasters other than victims of crime and abuse of power.⁴

The object of study or scope of victimology according to Arief Gosita is as follows:

- a. Various kinds of criminal or criminalistic victimization;
- b. Etiological theories of criminal victimization;
- c. Participants are involved in the occurrence or existence of a criminal or criminalistic victimization, such as victims,

⁴ J.E. Sahetapy, *Bunga Rampai Viktimisasi*, Eresco, Bandung, 1995, hlm.158

- perpetrators, bystanders, lawmakers, police, prosecutors, judges, lawyers and so on;
- d. Reaction to a criminal victimization;
 - e. Response to a criminal victimization argumentation of activities to resolve a victimization or victimology, efforts at prevention, repression, follow-up (compensation), and making related legal regulations; and
 - f. Factor-factor victimogen/criminogen.

Victimology with its various views expands the theories of criminal etiology needed to understand the existence of criminality as a structural and non-structural victimization better. In addition to these views, victimology encourages people to pay attention to and serve everyone who can be a mental, physical, and social victim.

The benefits of victimology can understand the victim's position as the basic cause of crime and seek the truth. In seeking truth and to understand the problem of evil, deliberation and deviation as one dimensionally true proportion.

Victimology also plays a role in respecting the human rights of victims as human beings, members of society, and as citizens who have the same human rights and obligations and are balanced in law and government.

IV. Sexual Violence

Sexual violence is regulated in Law No. 12 of 2022 concerning Sexual Violence (TPKS). In article 1 paragraph (1) Sexual Violence Criminal Acts are all acts that meet the elements of criminal acts as stipulated in this Law and other acts of sexual

violence as stipulated in this Law to the extent specified in this Law.

Sexual violence is an act of sexual violence referred to in this Law, which is 9 (nine) types sexual violence, there are also 10 (ten) other crimes that have been expressly declared as Sexual Violence Crimes in the provisions of other laws and regulations.

The 9 (nine) types of sexual violence referred to above in the TPKS Law are:

1. Nonphysical sexual abuse;
2. Physical sexual abuse;
3. Coercion of contraception;
4. Forced sterilization;
5. Forced marriage;
6. Sexual torture;
7. Sexual exploitation;
8. Sexual slavery; and
9. Electronic-based sexual violence.

Apart from the 9 (nine) sexual violence mentioned above, there are still 10 (ten) forms of sexual violence categorized as sexual violence crimes in other laws and regulations, including:

1. Rape;
2. Obscene acts;
3. Child copulation, lewd acts against children and/or sexual exploitation of children;
4. The act of violating decency contrary to the will of the victim;
5. Pornography involving children or pornography that explicitly contains sexual violence and exploitation;
6. Coercion of prostitution;
7. Trafficking in persons intended for sexual exploitation;
8. Sexual violence in the domestic sphere;

9. Money laundering whose original crime was a Sexual Violence Crime; and
10. Other crimes that are expressly stated as Sexual Violence Crimes as stipulated in the provisions of laws and regulations.

Meyer stated that in general there are several important aspects in defining sexual harassment, namely:

1. Based on behavioral aspects, Farley defines sexual harassment as unwanted sexual advances by the recipient, where the seduction appears in various forms both subtle, abusive, open, physical and verbal and unidirectional. Common forms of sexual abuse are verbal and physical temptation, where verbal abuse is more than physical. The experts said verbal sexual harassment is unwanted sexual persuasion, continuous sexual teasing or messages, constant dating even after rejection, insulting or demeaning messages, suggestive or obscene comments, sexist expressions about women's sexual clothing, body, clothing or activity, requests for sexual services expressed with indirect or overt threats.

Physical sexual harassment is physical sexual acts directed against the body, sexual desires, and/or reproductive organs with the intention of degrading a person's dignity and dignity based on their sexuality and/or decency.⁵

Sexual harassment in the form of physical temptation includes suggestive stares at body parts (staring at breasts, hips or other parts of the body), seductive glances and blinking eyes, groping; These include pinching, squeezing, tickling, cuddling, and kissing, sexual harassment such as groping or kissing that occurs due to highly supportive situations such as

⁵ Law No.12 of 2022 concerning Sexual Violence

elevators, corridors and other quiet spaces after hours, offers of dates in exchange for promotions or cornering women for kissing, sexual propositions, subtle pressure for sexual activity, attempted rape and rape itself.

2. Viewed from a situational aspect, sexual harassment can be carried out anywhere and under certain conditions. Women victims of sexual harassment can come from any race, age, characteristics, marital status, social class, education, occupation, workplace, and income. The results of a federal worker survey of 20,083 people with various characteristics (gender, income, education level etc.) showed that single and divorced women are more likely to be victimized than married women, the incidence of widows is smaller than married women but this has more to do with age. In terms of organization, female trainees have the largest percentage of sexual harassment, but it has nothing to do with the job category, there is no clear relationship between income level and sexual harassment incidents, there is a positive relationship between education level and sexual harassment incidents, there is a positive relationship between income level and sexual harassment incidents, there is a positive relationship between education level and sexual harassment incidents and there is a very strong correlation between age and occupational dependence and the rate and frequency of sexual harassment where the younger the more dependent the job, the higher the frequency of sexual harassment. Women who break into

traditionally male-dominated jobs will also experience sexual harassment more often than other women.⁶

With regard to conditions that favor sexual harassment, Mac Kinnon distinguishes two forms of sexual harassment: *quid pro quo* and working conditions. The *quid pro quo* type is defined by many or few explicit exchanges: women must either accept sexually or lose a job advantage. While this type of working condition constitutes effective sexual harassment because women are in a depressed state, they need money and are intimidated through the world of work.

Tong mentioned two types of sexual harassment, namely coercive type sexual harassment and non-coercive type sexual harassment. Coercive type sexual harassment includes sexual behavior that is indecent, which offers benefits or rewards to the intended subject, and/or indecent sexual behavior, which threatens harm to the intended subject. Non-coercive type sexual harassment is indecent sexual behavior that only irritates or hurts the intended person. The factor that distinguishes the two types of harassment above is the main purpose of the harasser, where in the second type is not to make women provide sexual services, but only to upset or hurt the intended subject.

⁶ See also Huda, Muhammad Wahyu Saiful, and Syahlila Umayu Astrovanapoe. "Contribution of Islamic Law to the Draft Law on the Elimination of Sexual Violence." *Jurnal Scientia Indonesia* 7, no. 2 (2021): 123-144; Wibowo, Seno Adhi. "Child Sexual Violence and the Violation of Human Rights: The Darkest Side of Law Enforcement in Indonesia." *The Indonesian Journal of International Clinical Legal Education* 2, no. 4 (2020): 421-434; Astuti, Ariska Dwi. "Legal Protection for Minors as Perpetrators of Sexual Violence." *Journal of Creativity Student* 6, no. 1 (2021): 87-110; Hermawati, Yanti, et al. "The Framework of Handling Sexual Violence in Indonesian Universities." *Komunitas* 15, no. 2 (2023): 268-282.

V. Victim Protection in TPKS Law

In Article 1 paragraph (4) of the TPKS Law, victims are people who experience physical, mental, economic losses, and/or social losses caused by Sexual Violence Crimes. Victim Rights are the rights to treatment, protection, and recovery obtained, used, and enjoyed by Victims.

According to the Crime Dictionary quoted by Bambang Waluyo, Victim is a person who has received physical suffering or mental suffering, property loss or resulted in death for misdemeanor acts or attempts committed by criminal offenders and others.⁷ Arief Gosita who stated that victims are those who suffer physically and spiritually as a result of the actions of others who seek fulfillment of themselves or others that are contrary to the interests and human rights of those who suffer.⁸

Victim is also defined by van Boven who refers to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power as a person who individually or in groups has suffered harm including physical or mental injury, emotional suffering, economic loss or gross deprivation of basic rights, either *by act* or *by omission*.

According to Mardjono Reksodiputro, there are 4 (four) kinds of victim definitions, namely:⁹

⁷ Bambang Waluyo, *Victimology of Legal Protection for Victims of Crime*, Sinar Grafika, Jakarta 2009, p.9.

⁸ Arif Gosita, *The Problem of Crime Victims*, CV Akademika Pressindo, Jakarta 1993, p.9.

⁹ Mardjono Reksodiputro, *Progress of Economic Development and Crime*, Center for Justice and Legal Service, University of Indonesia, Jakarta, 1994 p.42

- a. Victims of conventional crimes such as murder, rape, molestation, theft;
- b. Victims of unconventional crimes such as terrorism, piracy, illegal narcotics trafficking, organized crime and computer crime;
- c. Victims of *illegal abuses of economic power* such as violations of labor regulations, consumer fraud, violations of environmental regulations, misappropriation in the field of marketing and trade by transnational corporations, violations of foreign exchange regulations, violations of tax regulations and so on; and
- d. Victims of *illegal abuses of public power* such as violations of human rights, abuse of authority by the apparatus of authority, including unlawful arrest and detention and so on.

The classification of the various victims is based on the development of society. For victims of the third category, there are victims of abuse of power related to human rights violations.

The victims themselves are divided into two, namely:

- a. Victim Viewed from the perspective of the level of involvement of the victim in the occurrence of crime. Through this perspective study, Lilik Mulyadi mentioned several typologies of victims, namely:¹⁰
 - 1) *Nonparticipating victims* are those who deny/deny crime and criminals but do not participate in crime suppression;

¹⁰ Lilik Mulyadi, *Criminal Procedure Law: Normative, Theoretical, Practice and Its Problems*, PT. Alumni, Bandung, 2007, pp.123-125

- 2) *Latent or predisposed* victims are those who have a certain character tend to be victims of certain violations;
 - 3) *Provocative victims* are those who inflict crime or incite crime;
 - 4) *Participating* victims are those who are unaware or have other behaviors that make it easier for them to become victims; and
 - 5) *False* victims are those who are victims because of themselves.
- b. Viewed from the perspective of victim responsibility itself, Stephen Schafer suggests a typology of victims into seven forms, namely:
- 1) *Unrelated victims* are those who have no relationship with the perpetrator and become victims because they are potential. Therefore, from the aspect of responsibility lies entirely on the side of the victim;
 - 2) *Proactive* victims are victims caused by the role of victims to trigger crimes. Therefore, from the aspect of responsibility lies with the victim and perpetrator together;
 - 3) *Participating* victims in fact the actions of victims are not realized can encourage perpetrators to commit crimes. For example, taking large amounts of money at the bank without an escort, then wrapping it in a plastic bag encourages people to seize it. This aspect is entirely accountable to the perpetrator;
 - 4) *Biologically weak victim* is a crime caused by the physical condition of victims such as women, children, and elderly people (seniors) are potential victims of crime. Judging from the responsibility lies with the community or local

government because it cannot provide protection to helpless victims;

- 5) *Socially weak* victims are victims who are not noticed by the community concerned such as vagrants with weak social standing. For this reason, full responsibility lies with criminals or society;
- 6) *Self-victimizing victims* are newspapers of self-inflicted crimes (pseudo-victims) or victimless crimes. For this reason, the responsibility lies entirely with the victim as well as the perpetrator of the crime; and
- 7) *Political victims* are victims because of their political opponents. Sociologically, these victims cannot be accounted for unless there is a change in political constellation.

As a party who experiences suffering and loss in the occurrence of a criminal act or crime, the victim certainly has rights that can be obtained as a victim.

Rights are optional, meaning that they can be accepted by the perpetrator or not, depending on the conditions that affect the victim, both internal and external.

It is not uncommon to find someone who experiences suffering (physical, mental, or material) due to a criminal act that befalls him, does not use the rights he should receive for various reasons, such as feelings of pain in the future the community becomes aware of the events that happened to him (because this incident is a disgrace for himself and his family) so it is better for the victim to hide it, or the victim refuses to file a compensation for losses because of concern The process will become longer and more protracted which can result in prolonged suffering.

These rights are contained in Article 5 of Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, which states that victims have the right to:

- a. Obtain protection for the safety of his person, family, and property, and be free from threats regarding the testimony he will, is, or has given;
- b. Participate in the process of selecting and determining its security protection and support;
- c. Provide unstressed information;
- d. Get a translator;
- e. Free from entanglement questions;
- f. Obtain information on the progress of the case;
- g. Obtain information regarding court decisions;
- h. Knowing in the event that the convict is released;
- i. Got a new identity;
- j. Getting a new place of residence;
- k. Obtain reimbursement of transportation costs as needed;
- l. Get advice; and/or obtain temporary living expenses assistance until the protection deadline expires.

The situation and condition of the victim can stimulate the perpetrator to commit a crime against the victim. In other words, without victims there would be no crime. So it is clear that the victim is the main participant who plays an important role, even after the crime has been committed in the matter of conflict resolution and punishment of the perpetrators there can also be a crime committed by the victim if it is felt that there is an unfair follow-up and detrimental to the victim. The considerations for determining the rights and obligations of the victim are the level of involvement and functional responsibility of the victim in the crime. For the sake of justice and legal certainty, the formulation

of rights and obligations in a regulation or law must be accounted for juridically scientifically.

The rights and obligations of victims according to Arif Gosita are as follows:¹¹

- a. The rights of victims, among others:
 - 1) Be compensated for suffering, according to the ability of the perpetrator;
 - 2) The victim has the right to refuse compensation for not needing it;
 - 3) The victim is entitled to compensation for his heirs, if the victim dies as a result of such acts;
 - 4) Getting construction and rehabilitation;
 - 5) Regaining property rights;
 - 6) Refusing to be a witness, if this endangers him;
 - 7) Obtain protection from threats from the perpetrator when reporting and/or witnessing;
 - 8) Get the help of legal counsel; and
 - 9) Using legal remedies (*rechtsmiddelen*).
- b. The Victim's Obligations, among others:
 - 1) Victims are not vigilantes;
 - 2) Participating with the community prevents even more casualties;
 - 3) Prevent the destruction of the perpetrator either by oneself, or others;
 - 4) Participate in building a casualty maker;
 - 5) Be prepared to build or build yourself to not be a victim anymore;

¹¹ Moerti, Hadiati Soeroso, *Domestic Violence in a Juridical Perspective*. Sinar grafika, Jakarta, 2010 p.115.

- 6) Not demanding restitution that is not in accordance with the perpetrator's ability;
- 7) Provide opportunities for perpetrators to provide restitution to the victim according to their ability; and
- 8) Be a witness if you do not endanger yourself and there is a guarantee of safety.

VI. Analysis of Enforcement and Protection Efforts for Victims of Sexual Violence in the Campus Environment

Efforts to prevent and handle sexual violence that often occur in the university environment are the Minister of Education, Culture, Research, and Technology (Permendikbudristek) issued regulation Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence (PPKS) in Higher Education Environments. Acting Director General of Higher Education, Research and Technology, Nizam said the main purpose of this regulation is to ensure the preservation of citizens' right to education, through the prevention and handling of sexual violence in universities.¹² Permendikbudristek Number 30 of 2021 is here as a first step to respond to the concerns of students, lecturers, university leaders, and the community about the increasing cases of sexual violence in universities. Permendikbudristek PPKS is considered detailed in regulating important steps in universities to

¹² Ministry of Education and Culture, (2021), <https://www.kemdikbud.go.id/main/blog/2021/11/permen-pencegahan-dan-penanganan-kekerasan-seksualdi-lingkungan-perguruan-tinggi-tuai-dukungan>

prevent and deal with sexual violence. In addition, it also assists university leaders in taking further action to prevent the recurrence of sexual harassment that afflicts the academic community.

Permendikbudristek Number 30 of 2021 emphasizes that juridically universities can take legal steps in following up perpetrators of sexual violence, but only a few months after the regulation was issued, sexual harassment in the university environment still occurs. Therefore, this study will analyze the types of sexual violence that occur in universities and legal protection for victims of sexual violence in universities. The results of this study are expected to provide relevant information for universities and the government in order to provide protection for victims of sexual violence and increase their role in the prevention and handling of sexual harassment in the university area, and can be a guideline for the community to dare to report every act of sexual harassment.

Victims of sexual violence tend not to report their cases to law enforcement officials on the grounds that the legal basis is not strong, the sanctions given to perpetrators are not worth it and the lack of protection for victims. In addition, fear and difficulty in obtaining evidence cause survivors to be reluctant to face legal proceedings. Despite the convoluted legal process and lack of protection for victims, institutions should take action in this regard. However, in practice, educational institutions actually ignore in terms of victim protection, even seem to want to cover up incoming cases because they are related to the tarnishing of the good name of the school or college.

Criminal acts related to sexual violence are regulated in the Criminal Code (KUHP) concerning Crimes against Decency Crimes (Articles 281 to Article 299). One of them is Article 289

of the Criminal Code which stipulates that "Whoever by force or threat of violence compels a person to commit or allow to be done to him obscene acts, shall be punished for tampering with decency with imprisonment for not more than nine years". So, the article regulates that violence committed is a violation of moral norms by committing acts of obscenity. The two articles above are legal umbrellas commonly used to protect victims of sexual violence in Indonesia. However, there are various reasons that cause cases of sexual violence not to be reported by victims to law enforcement, including victims feel ashamed and do not want the disgrace that befalls them to be known by others, or victims feel afraid of being threatened by the perpetrator that they will be killed if they report the incident to law enforcement authorities, the legal basis is not strong, sanctions for perpetrators are not worth it and lack of protection for victims. In addition, fear due to police revictimization and difficulty in obtaining evidence makes victims reluctant to face the existing legal process.

In addition to the very important role of victims in handling sexual violence in universities, the participation of the government and the campus also has an important role in handling sexual violence in universities. Therefore, on August 31, 2021, in order to prevent and handle sexual violence that often occurs in universities, the Minister of Education, Culture, Research, and Technology (Permendikbudristek) issued regulation Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence (PPKS) in Higher Education Environments. The main purpose of this regulation is to ensure the preservation of citizens' right to education, through the prevention and handling of sexual violence in the university environment. In addition, related to the protection of victims and

witnesses of sexual violence in universities, it is regulated in Article 12 which states that the protection is given to victims or witnesses who have the status of Students, Educators, Education Staff, and Campus Residents. The article also stipulates that the forms of protection for victims or witnesses are as follows:

1. Sustainability assurance to complete education for students
2. Guarantee of continuity of work as an Educator and / or Education Staff at the relevant University
3. Guarantee of protection from physical and non-physical threats from perpetrators or other parties or the recurrence of sexual violence in the form of facilitating reporting of physical and non-physical threats to law enforcement officials
4. Protection of identity confidentiality
5. Provision of information on rights and protection facilities
6. Provision of access to information on the implementation of protection
7. Protection from degrading attitudes and behaviors of law enforcement officials and/or reinforcing stigma against victims
8. Protection of victims and/or whistleblowers from criminal prosecution
9. Civil lawsuit for reported sexual assault
10. Preparation of safe houses and/or
11. Protection of security and free from threats related to the testimony given.

The imposition of sanctions on perpetrators of sexual violence is also a form of protection for victims of sexual harassment considering that the imposition of sanctions can provide a sense of security and help eliminate feelings of trauma

and get a sense of justice for the events that have been experienced by victims. The threat of serious crime may not necessarily be able to completely eliminate the crime, but this can be related to the weight of the denunciation of an act based on the views of the community. Similarly, if it is related to the purpose of the existence of a punishment, which is general prevention. If the criminal sanction is light, it will not cause fear not to commit acts of sexual harassment. If people are not afraid, then the act will continue to grow, so that the impact of society becomes unprotected. Community solidarity that has been realized to prevent sexual harassment behavior is no longer maintained, with the criminal sanctions applied not being balanced with the losses or suffering received by victims as a result of these criminal acts.

VII. Conclusion

In terms of protection for victims of sexual harassment, there are preventive and repressive efforts carried out by both the community and the government through law enforcement officials, for example providing protection or supervision from threats that can arise at any time that can endanger victims. The provision of medical assistance, legal assistance, and psychological recovery assistance is one form of human rights protection. The existence of threats made by the perpetrator against the victim makes the victim reluctant to tell let alone report the case to the authorities. Families and communities who do not really understand about this sexual violence crime tend to blame the victim, they assume that the victim is the one who is guilty of misbehaving and disrespectful.

Legal protection provided to victims of sexual violence in universities is regulated in the Regulation of the Minister of Education, Culture, Research, and Technology (Permendikbudristek) Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence (PPKS) in Higher Education Environments. Article 12 of the Permendikbudristek regulates forms of legal protection for victims and witnesses of sexual violence in universities who have the status of Students, Educators, Education Staff, and Campus Residents. In addition, Article 14 and Article 16 of the Minister of Education and Culture also regulate the provisions for administrative sanctions that can be imposed on perpetrators of sexual violence in universities. Regarding criminal sanctions, although the Criminal Code has not specifically regulated the criminal act of sexual violence, perpetrators of sexual harassment in universities can be subject to criminal sanctions stipulated in Articles 289 to Article 296 of the Criminal Code.

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