

Juridical Aspects Of Protecting Students And Teaching Staff From Sexual Violence in Higher Education

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Abstract. Sexual violence in the university environment is a significant challenge in creating a safe and supportive educational atmosphere. This phenomenon is influenced by unequal power relations, patriarchal culture, and lack of understanding and application of legal protection. Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 is presented as a legal framework to prevent and handle sexual violence in higher education, with strategic steps such as the formation of the Task Force for the Prevention and Handling of Sexual Violence (PPKS Task Force). This research aims to examine the juridical aspects of protecting students and teaching staff from sexual violence, analyze the implementation of regulations, and identify obstacles faced in their implementation. This research uses a normative-juridical method, which prioritizes the analysis of laws and regulations, legal documents, and related legal theories. The results show that although the regulation has provided quite detailed guidelines, its implementation still faces challenges in the form of social stigma, lack of resources, and gaps between policy and practice. The conclusion of this study emphasizes the importance of continuous evaluation and education to improve the effectiveness of regulations and encourage universities to become agents of change in the fight against sexual violence.

Keywords: Violence, Regulation, Universities, Protection

1. INTRODUCTION

Sexual violence is a complex phenomenon that affects various aspects of society, including higher education. Cases of sexual violence in higher education reflect a major challenge in realizing an educational environment that is safe and free from discriminatory actions or violating human rights. Higher education, as an institution that has a strategic role in building a generation of intellectuals, should be a safe place for students and educators to learn and develop their potential. However, reports from various studies show that sexual violence is still a significant problem in education. (Maulinda et al., 2024).

Acts of sexual violence in higher education often occur due to unequal power relations between perpetrators and victims. Perpetrators usually take advantage of their dominant position to commit these acts. (Zarkasi & Siregar, 2024). This phenomenon is further exacerbated by a strong patriarchal culture, lack of understanding of legal rights and protection, and the stigma attached to victims. In some cases, the victim is blamed for what happened, which results in them being reluctant to report the incident. (Saraswati & Sewu, 2022)

Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 concerning Prevention and Handling of Sexual Violence (Permendikbudristek

No. 30/2021) is the government's effort to provide a clear and comprehensive legal umbrella in dealing with this issue. This regulation regulates preventive measures and handling of sexual violence cases in higher education, including the establishment of a task force tasked with supporting victims, providing protection, and ensuring perpetrators are given appropriate sanctions. (Franciscus Xaverius Wartoyo & Yuni Priskila Ginting, 2023).

However, the implementation of this policy still faces various challenges. Some have argued that this regulation is not effective in changing the legal culture of a society that tends to be permissive of sexual violence. In addition, there is an urgent need to educate the academic community about the legal substance and procedures stipulated in Permendikbudristek No. 30/2021 so that this policy can be implemented optimally. (Maulinda et al., 2024).

Sexual violence in higher education does not only involve students as victims, but also educators and education personnel. This shows that sexual violence can occur in various forms of interaction, be it in the classroom, work environment, or academic mentoring relationships. Unbalanced power relations are often one of the main factors in the occurrence of sexual violence. For example, lecturers who have more power than students often use this position to commit acts of sexual harassment. Similarly, education personnel who have administrative authority can utilize their position to pressure students. (Zarkasi & Siregar, 2024).

In the context of university students, sexual violence can have a significant impact on academic achievement, mental health, and social well-being. Students who are victims of sexual violence often feel embarrassed, afraid, and depressed, so they are reluctant to continue their education or even choose to drop out of college. This not only harms the individual, but also affects the reputation and credibility of the college as an educational institution. (Maulinda et al., 2024).

Permendikbudristek No. 30/2021 attempts to address this challenge by providing a clear framework for preventing and handling sexual violence in higher education. This regulation regulates the establishment of a Task Force for the Prevention and Handling of Sexual Violence (Satgas PPKS) in each university. This task force is tasked with providing assistance to victims, reporting cases of sexual violence, and ensuring that perpetrators are sanctioned in accordance with applicable regulations. However, the effectiveness of the PPKS Task Force is highly dependent on the support of the academic community, including students, lecturers, and education personnel. (Fransiska, 2022).

Although Permendikbudristek No. 30/2021 has provided quite detailed guidelines, there are several issues that still need attention. One of them is the need for a clearer definition of the forms of sexual violence regulated in this regulation. Some forms of sexual violence, such as online gender-based violence (GBV), are often not fully understood by the academic community. In addition, there are still gaps in the application of administrative sanctions and the restoration of victims' rights, which often depends on internal university policies. (Virgistasari & Irawan, 2022).

The role of universities in preventing sexual violence is also not only limited to policy implementation, but also includes educational efforts and awareness campaigns. Education on sexual violence should be part of the curriculum taught to students and educators. Thus, universities can create a culture that supports and protects all its citizens from sexual violence. (Burrohman & Mesra, 2024).

Furthermore, collaboration between universities, government, and non-government organizations is needed to overcome the challenges in implementing this policy. Universities should work with law enforcement agencies, community organizations, and protection service centers to ensure that victims get comprehensive support, from legal assistance to psychological recovery. (Saraswati & Sewu, 2022)

From a legal perspective, this research is important to evaluate the extent to which the existing regulatory framework is able to create a safe and fair educational environment. Analysis of Permendikbudristek No. 30/2021 and its implementation in higher education is expected to reveal the strengths and weaknesses of this regulation and provide recommendations for improvement. (Zarkasi & Siregar, 2024).

This research aims to examine the juridical aspects of protecting students and teaching staff from sexual violence in higher education. Using a normative-juridical approach, this research will analyze the extent to which this regulation provides adequate legal protection for victims and the effectiveness of its implementation in the field. In addition, this research will also identify obstacles faced in the implementation of the regulation and provide recommendations to improve the legal protection system in higher education. (Virgistasari & Irawan, 2022).

Through this study, it is expected to reveal the extent of the role of legal regulations in creating a safe and supportive educational environment and how universities can become agents of change in the fight against sexual violence. (Burrohman & Mesra, 2024) Thus, the results of this study are expected to make a real contribution to efforts to prevent and handle sexual violence in the higher education environment in Indonesia.

2. RESEARCH METHODS

This research uses normative or normative juridical research methods. This method emphasizes the analysis of applicable laws and regulations, legal documents, legal theories, and legal principles relevant to the protection of students and teaching staff from sexual violence in higher education.

3. RESEARCH RESULTS

The Role of Legal Regulation in Creating a Safe and Supportive Education Environment

The educational environment is a space that is ideally free from all forms of violence, including sexual violence, to ensure the achievement of educational goals. However, in reality, cases of sexual violence still occur frequently in higher education, both against students and educators. Legal regulations play an important role in creating a safe and supportive educational atmosphere. They must be able to provide effective protection for victims, educate the academic community, and ensure that perpetrators of sexual violence are appropriately sanctioned.

The importance of legal regulation in the educational environment is not only to provide a sense of security, but also to contribute to the strengthening of social justice, human rights and educational sustainability. This article discusses the role of legal regulation in realizing an educational environment free from sexual violence, with a focus on policy implementation in Indonesia.

a. Legal Regulation as an Instrument to Prevent Sexual Violence

Legal regulations are the foundation that governs the governance of society, including in the context of education. In this case, regulation serves to prevent, handle, and reduce the impact of sexual violence in higher education. Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 (Permendikbudristek No. 30/2021) is one of the regulations that provides guidelines for the prevention and handling of sexual violence in higher education.

Permendikbudristek No. 30/2021 includes various preventive measures, including the establishment of a Task Force for the Prevention and Handling of Sexual Violence (Satgas PPKS), strengthening campus governance, and providing education on sexual violence to students and educators (Burrohman & Mesra, 2024). These regulations seek to create an academic culture that values gender equality, encourages transparency in reporting cases, and ensures perpetrators are given appropriate administrative or criminal sanctions.

b. Victim Protection as the Main Focus

Legal regulations aim to protect victims of sexual violence from physical, psychological, and social threats. Article 12 of Permendikbudristek No. 30/2021 explains that universities are obliged to provide protection in the form of:

- 1) Guarantee the continuation of education for victimized students.
- 2) Guarantee of continued employment for educators who are victims.
- 3) Protection of the victim's identity from unauthorized publication.
- 4) Provision of access to legal assistance and psychological recovery (Saraswati & Sewu, 2022).

Perlindungan korban menjadi komponen esensial dalam menciptakan lingkungan pendidikan yang aman. Tanpa perlindungan yang efektif, korban akan merasa takut melapor, sehingga kasus kekerasan seksual sulit diungkap.

c. Challenges to the Implementation of Legal Regulations

Although regulations such as Permendikbudristek No. 30/2021 have been implemented, the challenges in implementation are still great. Some of the main challenges include:

- 1) Social Stigma against Victims: Victims of sexual violence often face social stigma that discourages them from reporting. This stigma is rooted in patriarchal views and unequal gender relations (Hamid, 2022).
- 2) Lack of Understanding at the College Level: Not all universities have a good understanding of this regulation. Some institutions are reluctant to implement transparent policies in order to maintain campus reputation (Evionita et al., 2023).
- 3) The Gap Between Regulation and Practice: Some universities only form a PPKS Task Force without ensuring that the task force has adequate capacity to handle sexual violence cases (Saraswati & Sewu, 2022).

These challenges suggest that legal regulation needs to be accompanied by political commitment and ongoing education in the academic community.

d. The Role of Education in Strengthening Regulation

Education is a key component in supporting the effectiveness of legal regulations. Universities should provide training on sexual violence, victims' rights, and reporting procedures. This education is important to change the mindset of the academic community and create a culture that supports the reporting of sexual violence cases (Burrohman & Mesra, 2024). A holistic approach that involves all parties, including

students, lecturers, and education personnel, is the most effective strategy in changing social norms that support sexual violence.

e. Inter-Stakeholder Collaboration

Legal regulations cannot run effectively without collaboration between universities, government, and civil society. Universities need to work together with law enforcement agencies, non-governmental organizations, and victim service centers to ensure the handling of sexual violence cases goes well (Setiawan et al., 2024). This collaboration is also important in providing psychological recovery and social rehabilitation for victims. Through close cooperation, universities can become agents of change in the fight against sexual violence.

f. Evaluation and Strengthening of Regulations

Evaluating the implementation of regulations is an important step to ensure that existing policies are able to provide maximum protection for all university citizens. This evaluation can be carried out through surveys of students and educators, internal audits, and independent studies by external institutions (Hamid, 2022). Evaluation results can be used to strengthen existing regulations or even encourage policy updates to make them more relevant to the needs in the field.

Legal regulations play a central role in creating a safe and supportive educational environment. Through regulations such as Permendikbudristek No. 30/2021, the government and universities can jointly build an effective protection system for victims of sexual violence. However, the success of this regulation relies heavily on the commitment of all parties in implementing the policy consistently. Continuous education and collaboration must be part of the strategy to support the effectiveness of the regulation. By creating an academic culture that values equality and human rights, universities can become safe places to learn and develop.

Legal regulations are an important foundation in creating a safe and supportive educational environment, especially in the face of increasing cases of sexual violence in various educational institutions. Sexual violence is not only a moral issue, but also a human rights issue that demands a serious response from the legal system. In this context, regulations such as Permendikbudristek No. 30 of 2021 are present as a real effort to address this issue systematically. However, the effectiveness of this regulation depends not only on the substance of the law, but also on how the regulation is implemented and accepted by the education community.

In higher education, cases of sexual violence are often difficult to uncover due to the unequal power relations between perpetrators and victims. Students are often victimized by lecturers or education staff who utilize their position of authority to commit unlawful acts. In addition, sexual violence in higher education is often hidden to maintain the reputation of the institution. This creates a culture of silence that harms victims and allows perpetrators to remain free. Strong legal regulations must be able to break through this cultural wall, create safe spaces for victims to speak out, and provide easily accessible reporting mechanisms.

The existence of a Task Force for the Prevention and Handling of Sexual Violence (Satgas PPKS) in every university, as stipulated in Permendikbudristek No. 30 of 2021, is a step forward. However, the success of this Task Force depends on institutional support and adequate resources. The Task Force not only functions to handle cases, but also to educate the academic community about the dangers of sexual violence and the importance of reporting cases. This education is important to change social norms that have tended to blame the victim. With increased understanding among students and educators, it is hoped that cases of sexual violence can be prevented before they occur.

Unfortunately, the implementation of these regulations is often faced with significant obstacles. Social stigma against victims remains one of the biggest obstacles. Victims are often afraid to report cases for fear of becoming the subject of negative conversations in their communities. To overcome this, legal regulations must pay attention to protecting the privacy of victims. For example, the identity of the victim should be kept confidential, and the reporting process should be designed to protect the victim from further intimidation or threats. In addition, the education community should be encouraged to adopt a more humanist approach, which focuses not only on punishment for perpetrators but also on recovery for victims.

Legal regulations must also adapt to new challenges, such as online gender-based violence (GBV). In the digital age, the threat of sexual violence does not only occur physically but also through online platforms. Students are often victims of sexual harassment on social media or through other digital communications. Legal regulations should include protection against this form of violence and provide appropriate sanctions to perpetrators. Campuses should integrate anti-GBV policies into their systems and ensure that students have the tools and support they need to protect themselves.

Beyond technical challenges, the success of legal regulations in creating safe educational environments also requires moral and political commitment from institutional

leaders. Higher education leaders must lead by example in promoting values of equality and respect for human rights. They should actively support initiatives to prevent sexual violence and demonstrate that there is zero tolerance for misconduct. When institutional leaders are assertive, the message will inspire cultural change across the academic community.

Collaboration also plays an important role in the implementation of legal regulations. Universities cannot work alone in addressing sexual violence. They need to establish partnerships with non-governmental organizations, victim service centers, and law enforcement agencies to provide more comprehensive support for victims. This collaboration not only strengthens the college's capacity to handle cases but also creates a network that allows victims to get the help they need quickly and efficiently.

Furthermore, evaluating the effectiveness of regulations should be an integral part of the implementation process. Regulations such as Permendikbudristek No. 30/2021 need to be evaluated regularly to identify shortcomings and improve them. This evaluation can be done through surveys of students and staff, independent audits, or academic reviews. Evaluation results can be used to update regulations to make them more relevant to the needs and challenges in the field.

Ultimately, the success of legal regulations in creating a safe educational environment depends on the extent to which they are able to create cultural change. An academic culture that values gender equality and human rights is the foundation of a supportive environment. Legal regulations can only provide a framework; their implementation requires collective commitment from all elements of the education community. With close cooperation, education can truly become a space where every individual feels safe to learn, develop and contribute.

Universities can be agents of change in the fight against sexual violence

Universities, as institutions of higher education, have a moral and social responsibility to create a safe and inclusive environment for students, educators, and other staff. In the fight against sexual violence, universities not only act as academic institutions, but also as agents of social change that can shape a new culture free from gender-based violence. A university environment that supports equality, justice and safety is the first step in creating a society that is more aware and responsive to the issue of sexual violence.

Sexual violence in higher education often occurs in various forms, ranging from verbal harassment to unlawful physical acts. This reflects structural challenges within higher education, such as unequal power relations, patriarchal culture, and lack of effective

reporting mechanisms. Therefore, universities have a strategic role to play in breaking this cycle of violence through education, policy and advocacy.

a. The role of universities as agents of change

1) Creating an Inclusive and Safe Academic Culture

Universities have the capacity to shape an academic culture that is inclusive and supportive of all its members. This culture should emphasize the importance of gender equality, respect for human rights, and reject all forms of sexual violence. This can start by integrating these values into the higher education curriculum. For example, students can be taught about gender equality, the rights of sexual violence victims, and reporting mechanisms through orientation programs or mandatory courses (Burrohman & Mesra, 2024).

In addition, universities must ensure that the campus environment is free from discrimination and intimidation. Enforcement of regulations such as Permendikbudristek No. 30/2021 can be the main guide to creating transparent and effective campus policies in handling sexual violence cases (Evionita et al., 2023).

2) Education as the Key to Prevention

One of the most effective ways to fight sexual violence is through education. Universities can develop educational programs designed to raise awareness about sexual violence and how to prevent it. These programs can include training for students, faculty, and education personnel on the importance of respecting personal boundaries, recognition of forms of sexual violence, and steps that can be taken if one becomes a victim or witness of sexual violence (Hamid, 2022).

Prevention-based education should involve the entire academic community, including students, staff, and campus leaders. Programs like this not only help create a better understanding of the issue of sexual violence, but also encourage changes in social norms that support preventive action.

3) Establishing an Effective Reporting and Handling Mechanism

Universities can be agents of change by providing reporting mechanisms that are easily accessible and friendly to victims. One important step is the establishment of the Task Force for the Prevention and Handling of Sexual Violence (Satgas PPKS) in each university as stipulated in Permendikbudristek No. 30/2021. This task force serves as the frontline in handling reports of sexual violence, providing assistance to victims, and ensuring that perpetrators receive appropriate sanctions (Saraswati & Sewu, 2022).

An effective reporting mechanism should be designed to protect victims' privacy and prevent revictimization. In addition, colleges should provide support services such as psychological counseling, legal assistance, and access to health services. By providing these services, the college not only helps victims to recover, but also demonstrates its commitment in the fight against sexual violence (Burrohman & Mesra, 2024).

4) Utilizing Technology for Prevention and Reporting

Technological advances can be utilized by universities to improve efforts to prevent and respond to sexual violence. Digital platforms such as sexual violence reporting apps, online hotlines, and online learning modules on sexual violence prevention can be effective tools in reaching a wider academic community (Hamid, 2022).

By utilizing technology, universities can create a safe space for victims to report incidents of sexual violence without fear. In addition, technology can also be used to disseminate information about campus policies, reporting procedures, and resources available to victims.

5) Kolaborasi dengan Pemangku Kepentingan Lain

Universities cannot work alone in the fight against sexual violence. Collaboration with law enforcement agencies, non-governmental organizations, and victim service centers is an important step to ensure that victims get comprehensive support. Colleges can also work with local communities to educate people about the importance of fighting sexual violence (Setiawan et al., 2024). In addition, partnerships with the government and international agencies can help universities develop better policies and obtain additional resources to support efforts to prevent and respond to sexual violence.

6) Leading by Example

Higher education leaders play an important role in creating a campus culture free from sexual violence. Through decisive and transparent actions, they can demonstrate that sexual violence will not be tolerated on campus. Campus leaders should also be committed to enforcing existing policies and supporting initiatives that aim to create a safe educational environment (Evionita et al., 2023).

b. Challenges and Strategies for Overcoming them

Although universities have great potential as agents of change, there are various challenges that must be faced. One of the main challenges is the social stigma against

victims of sexual violence. Many victims are reluctant to report for fear of negative judgment from their community. To overcome this, universities must actively educate the academic community about the importance of supporting victims and removing stigma (Burrohman & Mesra, 2024). Another challenge is the lack of resources to implement existing policies. Universities need to find ways to maximize available resources, including by leveraging technology and working with external partners (Hamid, 2022).

Universities have a strategic role as agents of change in the fight against sexual violence. By creating an inclusive academic culture, providing prevention-based education, establishing effective reporting mechanisms, utilizing technology, and establishing collaborations with various parties, universities can become models in creating a safe and supportive environment. Through collective commitment and concrete actions, universities can help break the cycle of sexual violence and create a more just and equal society. Thus, universities not only contribute to the formation of educated individuals, but also to broader social development.

4. CONCLUSIONS

Sexual violence in higher education is a serious problem that affects students, faculty, and the academic environment as a whole. This phenomenon is influenced by unequal power relations, patriarchal culture, and lack of effective reporting mechanisms. Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 is a strategic step by the government to provide legal protection, prevent sexual violence, and handle cases that occur in higher education. This regulation has presented important instruments such as the establishment of the Task Force for the Prevention and Handling of Sexual Violence (Satgas PPKS), protection of victims' privacy, and provision of assistance services. However, implementation in the field still faces challenges, including social stigma against victims, gaps in understanding in the academic community, and limited university resources. These obstacles emphasize the need for collaboration between universities, the government, and relevant institutions to strengthen regulations and improve their effectiveness. The success of legal protection against sexual violence in higher education relies heavily on the collective commitment of all parties. Through education, evaluation of regulations, and strengthening an inclusive academic culture, universities can become agents of change in creating an educational environment that is safe, supportive, and free from sexual violence.

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