



LAPORAN PENELITIAN
KLUSTER KOLABORASI INTERNASIONAL

THE DYNAMICS OF SEXUAL VIOLENCE PREVENTION IN MALAYSIA AND INDONESIA

(COMPARATIVE TO AFFIRMATIVE SOLUTION TO SEXUAL
VIOLENCE AMONG INDONESIA STATE ISLAMIC
UNIVERSITIES)

Ketua Peneliti

Dr. Evi Muaviah, M.Ag (IAIN Ponorogo)

Anggota

Dr. Istiadah (UIN Maliki Malang)

Anis Afifah (IAIN Ponorogo)

Elfa Murdiana (IAIN Metro)

Lutviana Mayasari (IAIN Ponorogo)





LAPORAN HASIL PENELITIAN

THE DYNAMICS OF SEXUAL VIOLENCE PREVENTION IN MALAYSIA AND INDONESIA (COMPARATIVE TO AFFIRMATIVE SOLUTION TO SEXUAL VIOLENCE AMONG INDONESIAN STATE ISLAMIC UNIVERSITIES

Penelitian Kolaborasi Internasional

KETUA PENELITIAN

DR. EVI MUAVIAH, M.Ag (IAIN PONOROGO)

ANGGOTA

DR. ISTIADAH (UIN MALIKI MALANG)

ANIS AFIFAH (IAIN PONOROGO)

ELFA MURDIANA (IAIN METRO)

LUTFIANA MAYASARI (IAIN PONOROGO)

SUBDIT PENELITIAN PENDIDIKAN ISLAM

KEMENTERIAN AGAMA

2023

FOREWORD

Alhamdulillahirabbilalamin, Praise and gratitude for the presence of Allah SWT for all His mercy, guidance and gifts so that we (the research team) were able to complete the International research activities by Indonesian Ministry of Religion.

Sholawat and greetings may always be devoted to our great Prophet Muhammad SAW. who is a leader and role model as well as guide for all mankind. We feel that all this has been achieved would not have been possible without all the support and assistance from various parties. On this occasion, we would like to express our deepest gratitude to:

1. The Ministry of Religion of the Republic of Indonesia which has provided opportunities for researchers to be involved in international collaborative research programs.
2. Dr. Shereza and the academic community at the University of Science Malaya who have provided a lot of information regarding the prevention and handling of sexual violence in tertiary institutions.
3. PPI IIUM who is willing to accept the presence of a research team from IAIN Ponorogo to discuss regulations relating to the prevention and handling of sexual violence in tertiary institutions.
4. PPI University Malaya (UM) who is willing to accept the presence of a research team from IAIN Ponorogo

to discuss regulations relating to the prevention and handling of sexual violence in tertiary institutions.

5. Chairperson of the Center for Gender and Child Studies (PSGA) from various PTKINs, including: PSGA IAIN Madura, PSGA UIN Samarinda, PSGA UIN Pekalongan, PSGA IAIN Ponorogo, PSGA IAIN Kediri, PSGA UIN Suska Riau, PSGA IAIN Metro Lampung.
6. All students from USM, IIUM, and UM who are willing to provide information and fill out questionnaires regarding the prevention and handling of sexual violence in tertiary institutions.
7. All parties who have helped in completing this research that we cannot mention one by one.

We realize that this research Report is far from perfect, but we hope that what is stated in this research can add insight to those who read it and provide benefits to many people. We expect suggestions and constructive criticism for the perfection of this research.

Finally, we hope that this Research Activity Report can provide benefits to all parties. Amen

DAFTAR ISI

SAMPUL BAGIAN DALAM ABSTRAK

1. BAB I PENDAHULUAN

- a. Latar Belakang Masalah
- b. Pertanyaan Penelitian/ Rumusan Masalah
- c. Tujuan dan Manfaat Penelitian
- d. Literatur Riview

2. BAB II KAJIAN TEORI

- a. The Concept of Sexual Harassment
- b. Kekerasan Seksual di Dunia Pendidikan
- c. Kebijakan sebagai cara Pencegahan dan Penanganan Kekerasan Seksual di Perguruan Tinggi
- d. Bentuk Kebijakan Pencegahan Dan Penanganan Kekerasan Seksual Di Indonesia
- e. Bentuk Kebijakan Pencegahan Dan Penanganan Kekerasan Seksual Di Malaysia
- f. Kebijakan Sebagai Alat Sosial Kontrol Masyarakat
- g. Hukum Sebagai Alat Kontrol di Masyarakat

3. BAB III METODE PENELITIAN

- a. Pendekatan dan Jenis Penelitian
- b. Subyek Penelitian
- c. Sumber Data Penelitian
- d. Tekhnik Peengumpulan Data
- e. Tekhnik Analisis Data
- f. Tekhnik Pengecekan Keabsahan Data

4. BAB IV ANALISA DAN PEMBAHASAN

- a. Eksistensi Kebijakan Pencegahan dan Penanganan Kekerasan seksual di Malaysia
- b. Aturan Pencegahan dan Penanganan Kekerasan Seksual di Lembaga Pendidikan Tinggi di Indonesia
- c. Dinamika Internalisasi Surat Keputusan Dirjen Pendis No.5494 Tahun 2019 di Perguruan Tinggi Keagamaan Islam
- d. Analisis Pengetahuan Civitas Akademika Terhadap Upaya Pencegahan Kekerasan Seksual Di Malaysia
- e. Pengetahun dan Sikap Mahasiswa Perguruan Tinggi Tehadap Kekerasan seksual dan Kebijakan Pencegahan dan penanggulangan Kekerasan Seksual di Indonesia
- f. Analisis Implementasi Kebijakan Pencegahan dan Penanganan Kekerasan Seksual
- g. Transformasi Pengetahuan dan Sikap Civitas akademika sebagai Upaya Mewujudkan Perlindungan Perspektif Korban

5. BAB V KESIMPULAN

DAFTAR PUSTAKA

ABSTRAK

Penelitian ini bertujuan untuk menjelaskan nalar pengetahuan, sikap dan praktek tentang keberadaan aturan pencegahan dan penanganan kekerasan seksual di perguruan tinggi Indonesia dan perguruan tinggi Malaysia. Melalui nalar pengetahuan dapat diketahui praktik-praktik baik kedua negara dalam potret dinamika implementasi kebijakan perlindungan korban kekerasan seksual di Perguruan Tinggi Indonesia dan Malaysia.

Dengan menggunakan metode pendekatan Filosofi dan hukum diketahui bahwa nalar pengetahuan belum mempengaruhi sikap civitas akademika untuk melaporkan tentang kekerasan seksual yang dilihat dan dialami. Kondisi ini dipengaruhi oleh faktor struktur yang dianggap menjadi penyumbang terbesar timpangnya relasi kuasa, faktor substansi yang belum memiliki aturan turunan yang lebih implementatif serta faktor kultur yang menganggap bahwa kekerasan seksual bukan menjadi tanggungjawab bersama serta kultur normalisasi kekerasan seksual di perguruan Tinggi Indonesia.

12 tahun Perjalanan mengesahkan aturan umum pencegahan dan penanggulangan kekerasan seksual di Malaysia melahirkan Akta 20 tahun 2022. Namun terdapat praktik baik yang telah dilakukan oleh salah satu perguruan tinggi di Malaysia yakni University Sain Malaysia yang memiliki code of practice dan Employment Act sebagai dasar kebijakan menghukum pelaku kekerasan seksual. Penandatanganan Pakta integritas para pegawai dan dosen USM juga merupakan salah satu wujud responsifnya kampus untuk mewujudkan perguruan tinggi yang nir kekerasan seksual. Kondisi ini dipengaruhi oleh political will pimpinan kampus yang berjuang bersama Kanita dan Aliansi Mahasiswa untuk mencegah dan menanggulangi kekerasan seksual.

Tanggungjawab kolektif dan respon pimpinan yang kuat dalam membuka akses dan partisipasi bagi civitas akademika menjadi praktik baik yang dapat diafirmasi oleh Perguruan Tinggi Indonesia dalam mendorong kontrol dan manfaat atas terlaksananya peraturan pencegahan dan penanganan kekerasan seksual di perguruan tinggi.

Kata Kunci : Kekerasan seksual, Perguruan Tinggi

CHAPTER 1

INTRODUCTION

A. BACKGROUND OF THE STUDY

A college is some of the education units which has a function to develop and create the character of a national civilization so the purpose of an Indonesian country is to educate the life of Indonesian society and increase the student's potential to become people of faith, devotion, knowledge, and culture,¹, then as an educational institution that plays a role in building the character and civilization of the nation, universities also have a hand in creating a comfortable and safe academic atmosphere including comfort and security from all forms of intimidation and a few forms of sexual violence.

In 2019 the public has been surprised by some news that contain testimonials about sexual assault survivors from 29 cities and 79 universities both private and the public which acknowledge that 129 students stated that they had experienced harassment, 30 students had experienced sexual intimidation and 13 students were victims of rape. All survivors admitted that they did not dare to resist and even report the perpetrators' actions to the authorities or their families.²

In 2020 based on a survey which has been done by the Directorate General of Higher Education Research and Technology stated that colleges are prone to sexual violence as evidenced by the 27% of complaints obtained. It is about 77% of lecturers in higher education confess that sexual violence on campus and 63% of them did not

¹ Lihat Penjelasan Undang-Undang No. 12 Tahun 2012 Tentang Pendidikan Tinggi

² Wan Ulfa Nur Zuhra, “Testimoni Kekerasan Seksual: 174 Penyintas, 79 Kampus, 29 Kota” *Tirto.Id*, 23 April 2019.

report it to the campus and the majority of the victims were women.³

Even the results of searching for Women's National Commissioner data in 2020 stated that there are 35 Indonesian women who experience sexual violence every day, 8 of whom are raped⁴ and the good name of the campus is a strategic reason for the increasing number of sexual violence that occurs in universities including state Islamic Religious College.⁵

In 2021, it has increased the number of complaints of sexual violence. This has also been proved by the increasing percentage of complaints of the victim around 55 %⁶. The community began to recognize online-based services and complaints which was also followed by the emergence of public awareness to report and complain about acts of sexual violence that were experienced⁷. Based on the annual report of the Women's National Commissioner also stated that higher education occupies the first position about 35%, between Islamic faith-based education and public school education such as Senior High

³ Kemendikbud, "Wujudkan Lingkungan Perguruan Tinggi Yang Aman Dari Kekerasan Seksual," *Siaran Pers Kementerian Pendidikan, Kebudayaan, Riset, Dan Teknologi Nomor:779/Sipres/A6/Xii/2021*, 11 Desember 2021, <https://www.kemdikbud.go.id/main/blog/2021/12/wujudkan-lingkungan-perguruan-tinggi-yang-aman-dari-kekerasan-seksual>.

⁴ Komnas Perempuan, "Catatan Tahunan Komisi Nasional Anti Kekerasan Terhadap Perempuan," 6 Maret 2020, Jakarta, perpustakaan@komnasperempuan.go.id.

⁵ Nikmatullah, "Demi Nama Baik Kampus VS Perlindungan Korban: Kasus Kekerasan Seksual di Kampus," *QAWWAM: JOURNAL FOR GENDER MAINSTREAMING* 14, no. 2 (Desember 2020): 37–52, <https://doi.org/10.20414/qawwam.v14i2.2875>.

⁶ Total Data Kekerasan Berbasis Gender Di Tahun 2020 Sejumlah 226.062, Sedangkan Pada Tahun 2021 Terdapat Peningkatan Angka Kasus Sebesar 338.496

⁷ Katherine S. Williams, *Textbook On Criminology* (Oxford: Oxford University Press, 2012).

school or Vocational High School.⁸ Those number has been increasing since 2020 stated that higher education occupies the first position with a total of about 27% which is then followed by Islamic boarding schools or education-based as much as 19%, then 15 % in Vocational high school, about 7 % in Junior high school and 3% in Kindergarten, Elementary school, the school is extraordinary and Christian-Based Education⁹.

The reality of Sexual violence is described as an iceberg that is actually unmissable from the permissive attitude factor and the normalization of society towards sexual violence. That attitude is then condensed into a perception that forms a mindset that sexual violence is tantamount to other forms of crime that can be dealt with by law enforcement without considering aspects of the victim's condition that are in unfavorable condition when it comes to taking action to report the perpetrator. The fear of the victim is actually stymied by the skepticism of the violence experienced because the sexual violence that occurs in college often occurs in privatized places where there are only victims and perpetrators, so the victim

⁸ Komnas Perempuan, "Catatan Tahunan Komnas Perempuan Tahun 2022 Tentang Bayang-Bayang Stagnasi: Daya Pencegahan Dan Penanganan Berbanding Peningkatan Jumlah, Ragam Dan Kompleksitas Kekerasan Berbasis Gender Terhadap Perempuan," 9 Maret 2022, <https://komnasperempuan.go.id/Kabar-Perempuan-Detail/Peluncuran-Catahu-Komnas-Perempuan-2022>.

⁹ Berdasarkan Laporan Yang Diterima Oleh Salah Satu Lembaga Penyedia Layanan Penanganan Kekerasan Seksual Di Kampus, Yaitu Hope Helps, Antara Maret 2019 Sampai Dengan Mei 2020, Telah Masuk Total Laporan Kekerasan Seksual Yang Diterima Sebanyak 47 (Empat Puluh Tujuh) Kasus Yang Kemudian Disajikan Dalam Lembar Fakta Oleh Komisi Nasional Anti Kekerasan Terhadap Perempuan, "Lembar Fakta Kekerasan Seksual Di Lingkungan Pendidikan Komisi Nasional Anti Kekerasan Terhadap Perempuan" (Jakarta: Komnas Perempuan, 2020), 1.

assumes that without witnesses or other evidence, the reporting of the victim will be judged weak¹⁰.

Sexual violence in higher education has not only become a national problem in Indonesia but also become a global problem faced by other countries around Indonesia, the researcher has found it in some of the research published in an international journal. *Fredrik Bondestam* dan *Maja Lundqvist* described the sexual violence at the college has become epidemic. Collage Considered to have a little approach to the victim so as to have an impact on the victimization that the victim experiences in excess when the victim reports, such conditions are also described by *Gillian M. Pinchevsky and friends* that there was a negative impact which appears as a result of victim reporting.¹¹

As a progressive and responsive step, Indonesia has produced several laws and regulations that become the legal umbrella for the prevention and handling of sexual violence. It has been started by the Ministry of Religion with Woman's National Commissioner in 2019 by doing a joint consolidation of a number of Centers for Gender and Child Studies state Islamic Religious Colleges to Build Policy Arguments for the Prevention and Handling of Violence against Women in state Islamic religious college. The results of the meeting gave a roadmap for the mechanism for preventing and handling violence against women at State Islamic religious college and in 2019 this was born the Decree of the Director General of Islamic

¹⁰ Jeremya Chandra Sitorus, "Quo Vadis, Perlindungan Hukum Terhadap Korban Pelecehan Seksual Di Kampus," *Lex Scientia Law Review* 3, No. 1 (Mei 2019): 30–39.

¹¹ Gillian M. Pinchevsky Dkk., "Sexual Victimization And Sexual Harassment Among College Students: A Comparative Analysis," *Journal Of Family Violence* 35, No. 6 (Agustus 2020): 603–18, <https://doi.org/10.1007/S10896-019-00082-Y>.

Education Number 5494 of 2019 concerning the prevention and control of sexual violence at the State Islamic religious college.

Meanwhile, by the Decree on the prevention and mitigation of sexual violence at State Islamic religious college, it is inevitable for 58 State Islamic religious colleges to formulate derivative rules in achieving the common goal of creating a zero sexual violence campus, but the fact is that since the issuance of the Decree of the Director General of Islamic Education Number 5494 of 2019, there are 28 THE STATE ISLAMIC RELIGIOUS COLLEGE that have lowered it in regulations at the Rector Level.

In 2020, The Minister of Education and Culture Research and Technology collect data from simple research in several universities, based on data and facts of sexual violence that have been successfully summarized, then on September 3, 2021, the Regulation of the Minister of Education and Culture Number 30 of 2021 concerning the prevention and control of sexual violence in the university environment was published. This ministerial regulation is a bright line to the face of legal protection for victims of sexual violence considering that legal regulations in the form of laws are still undergoing a long debate to be passed. Therefore, ministerial regulation number 30 of 2021 and the decree of the director general number 5494 of 2019 are very important to continue to be supervised in their implementation.

In April 2022, the step of legal protection was further strengthened by the publishing of the Sexual Violence Law Number 12 of 2022. Followed by the issuance of the Minister of Religious Affairs Regulation Number 73 of 2022 concerning the prevention and handling of sexual violence in the educational

environment of the Ministry of Religion on October 5, 2022.

In Substantion¹², the law on the prevention and handling of sexual violence has provided formal legal certainty. It means the country has been realizing its role in Legal protection from all forms of violence and intimidation that have been narratively described in established laws and regulations. If it is seen based on *hierarchies* Perspective law *Hans Kelsen*, So, in Systematic Laws and regulations for the prevention and handling of sexual violence have juridical power in realizing legal certainty.

Law as a Tool of Social Control is the description of the situation to describe the condition in which hoped the laws and regulations governing the prevention and mitigation of sexual violence, at the end of the existence of these regulations, are able to provide changes in people's attitudes and behavior (*tool of social engineering*), But in fact of *sein*, there were some dynamics in efforts to create a culture of non-sexual violence, including in universities. In response to this, the researcher using mixed methods research, the research team will conduct a comparative study on several higher education in Indonesia in overseeing the implementation of sexual violence prevention and handling regulations that will divide them into two groups, which means the

¹² Substansi dalam teori legal system yang dikemukakan oleh *Lawrence Friedmen* bahwa *substance is Another aspect of the legal system is its substance. By this is meant the actual rules, norm, and behavioral patterns of people inside the system ...the stress here is on living law, not just rules in law books* diartikan sebagai Aspek lain dari sistem hukum adalah substansinya. Yang dimaksud dengan substansinya adalah aturan, norma, dan pola perilaku nyata manusia yang berada dalam sistem itu. Jadi substansi hukum menyangkut peraturan perundang-undangan yang berlaku yang memiliki kekuatan yang mengikat dan menjadi pedoman bagi aparat penegak hukum.

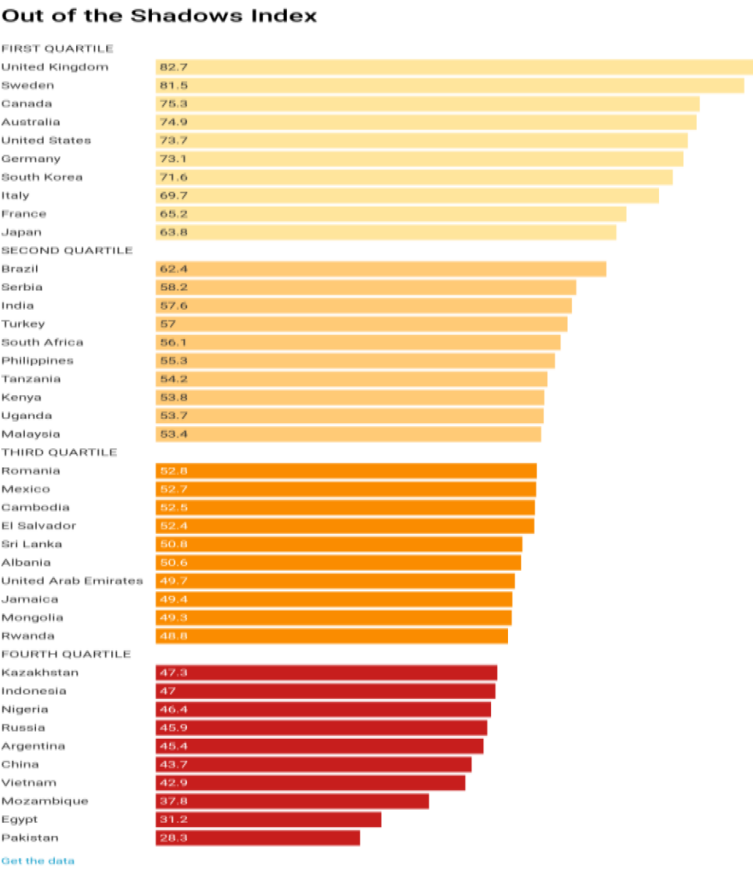
groups already have derivative rules in universities in the form of Rector's Decrees and groups of universities that do not yet have them. In the next analysis, the researchers will also make some comparisons with Malay University. Considering that Indonesia and Malaysia are both countries with a majority Islamic population.

The similarity of the culture of Malaysian and Indonesian peoples is one of the reasons decided Malaysia become a locus research comparative. Apart from that, the results of the study show that Malaysia has succeeded in making policies on the prevention and handling of sexual violence in the field of education. In 2016, International Islamic University Malaysia (IIUM) published a book *Sexual harassment in the Educational Sector* Which was written by some of the senior lecturers there. In fact, IIUM and Malaya University has regulations related to sexual harassment since 2008. (AAA Muhammed et al, 2014 Quoting from Sexual Harassment in Educational Institutions) Prof Asghar Ali Ali Muhammed Muzaffar Shah Mellow of IIUM said: *"to eradicate sexual harassment, schools must have a clear policy prohibiting sexual harassment. schools should also have grievance procedures to deal with violation of the policy, which is to provide for prompt and equitable resolution of complaint"*(Quoting from *Tackling Sexual Jharasment in Schools-IIUM*)

In 2021, Rozana Abdullah explained that the country has an important rule in realizing legal justice for victims of sexual violence in Malaysia by updating the existing sexual violence law, considering there was increasing in victim complaints which increased by 130 cases in 2020 and this condition has an impact on sexual disorders experienced by victims of sexual violence. According to Rozana, this condition is an important reason

to strengthen the role of parliament/ state to accommodate the fact of sexual disorders experienced by victims in the Rules on Mesyuarat affairs, proposals, and Risalat circulated at the session of the fourteenth Mesyuarat of the the Parlimen on December 3, 2020.¹³

The Description above is also reinforced by the data quarter which shows Malaysia is in the second quarter country that is good at handling sexual violence.



Moreover, the data acquisition of the research is retrieved from several universities in both countries by

¹³ Rozana Abdullah, “Gangguan Seksual: Peranan Parlimen dalam Penggubalan Undang-undang dan Polisi yang Relevan” 1 (2021): 36.

using the Fenomolgi approach¹⁴. The Data collected by using questionnaire, interviews, and documentation then did some comparisons to obtain data about Knowledge, Attitude, and Practice¹⁵ from the academic community about gender perspectives built in the prevention and handling of sexual violence in higher education. For the Indicators that used by the researcher to measure about gender perspective which built by academic community is using gender analysis pathway (GAP) to analyses gender based on four aspect those are Four things namely access, participation, control, and benefits (APKM)

The use of gender analysis pathway (GAP) and KAP (know. edge, attitude, practice) become analysis tools are analytical and theoretical tools that distinguish from several studies that have been carried out before. The gender analysis pathway (GAP) is used to measure the usability development and equitable distribution of development outcomes in the community. This research is a gender analysis pathway (GAP) used to measure the level of knowledge, attitudes, and practices carried out by the academic community to describe the academic community's awareness of a culture of nonviolence. In the end, the data obtained is able to encourage the state to more intensely supervise the implementation of laws and regulations that have been passed and encourage

¹⁴ Kampus yang dimaksud disini adalah kampus PTKIN di Indonesia yang telah memiliki dan belum memiliki SK Rektor encegahan dan penanganan kekerasan seksual. Kampus yang telah memiliki yang dijadikan sebagai sumber data adalah UIN Walisongo Semarang, UIN Sunan Kalijaga Jogjakarta, UIN Raden Mas Said Surakarta Solo, UIN Abdurrahman Wahid Pekalongan, IAIN Kediri, IAIN Ponorogo, UIN Malang. Sedangkan Perguruan tinggi yang belum memiliki SK rektor yang akan dijasikan sumberdata adalah IAIN Madura, IAIN Pontianak.

¹⁵ Yh Khan dkk., "Knowledge, Attitude and Practice (KAP) Survey of Osteoporosis among Students of a Tertiary Institution in Malaysia," *Tropical Journal of Pharmaceutical Research* 13, no. 1 (13 Februari 2014): 156, <https://doi.org/10.4314/tjpr.v13i1.22>.

universities to transform the knowledge and attitudes of the academic community in strengthening regulations for the prevention and handling of sexual violence with the perspective of victim justice.

Meanwhile, In Malaysia, the rule of sexual violence begins with the existence of ACT 605. In October 2022, the Malaysian parliament passes anti-sexual violence law called Anti-Sexual Harassment Act 2022. The Law is about anti-sexual violence named the Anti-Sexual Harassment ACT 2022 which is a long process. In 1999, the Ministry of Human Resources introduced the Code of Ethics for the Prevention and Eradication of Sexual Harassment in the Workplace. This is to encourage employers to adopt a Code of Conduct against sexual harassment and internal mechanisms to prevent sexual harassment in the workplace. The function of this Code for Practical guidelines is for companies to set up their own mechanisms for dealing with sexual harassment in the workplace. Unfortunately, this Code of practice is ineffective because only used for guidelines, and the company is not obligated to manage the mechanism. Moreover, in 2018 The Department of Public Service issued a circular – more comprehensive guidelines for handling sexual harassment in the workplace more comprehensive for civil servants in the country. Finally, in 2021, the draft of laws is made for sexual harassment and then enacted as formal laws in 2022.

B. FORMULATION OF THE PROBLEM

There are some of existing method to handling sexual violence in Malaysia and Indonesia, so the researcher decided some of question to reveals the knowledge, attitudes and practices that occur in two countries to measure gender perspectives built through access, participation, control over efforts to prevent and

handle sexual violence in universities in two countries, namely Malaysia and Indonesia Such as:

1. How is the academic community know about the prevention and handling of sexual violence in Indonesian and Malaysian universities?
2. How is the attitude of the Academic community regarding the prevention and handling of sexual violence in Indonesian and Malaysian universities?
3. How are the knowledge and behaviour of Academic community's about about prevention and handling of sexual violence in Indonesian and Malaysian universities?

C. RESEARCH OBJECTIVES

Research objectives are targets that will be obtained by analyzing the three problem formulations in this study.

The purpose of this study is:

1. To Describe and analyze the university academic community's knowledge in two countries which are Indonesian and Malaysian about sexual violence, as well as policies governing the prevention and handling of sexual violence
2. To analyze the attitudes and practices carried out by the academic community towards sexual violence experienced, heard and witnessed by themselves . This analysis will measure the level of participation and control efforts carried out by the academic community in preventing sexual violence in higher education
3. To formulate affirmative values of practice that can be offered for Islamic State State Islamic Religious College.

D. REVIEW OF LITERATURE

Aja-Okorie (2014) grouped sexual harassment in universities into three forms; sexual harassment of a student by another student, sexual harassment of faculty/staff member by the student, and sexual harassment of a student by a faculty/staff member, the lattermost is the most rampant form of harassment experienced in educational institutions. This was further corroborated by the research conducted by Taiwo et al. (2014) where 98.8% of the respondents, significantly revealed that the trend of sexual harassment occurrence is from the male lecturer(s) to female student(s). Reena and Saheab (2014), in a study on sexual harassment of women in educational institutions in India, established that the Central Government through its central minister 'Mr. Sashi Tarur' in his statement before the Council of States, agreed to the occurrences of sexual abuse of students in educational institutions in Kendra Vidyalaya, NavodayaVidyalaya.

By Aditi et al. (2016) among 408 undergraduate students of selected professional colleges of Udupi district, Karnataka, India, revealed that the perception of undergraduates about sexual harassment differs with the student's age, gender, and course of the study. Their study does not address the possible variance of perception by type of institutions that this study seeks to address. A study conducted by Pavithra and Relton (2015) among adolescent schoolgirls in Tirunelveli District, Tamil Nadu, India revealed the prevalence of different forms of sexual abuse ranging from forceful exposure of genitalia to physical touch in public places. Schmiede and Yousaf (2016) also established that women in universities experience harassment throughout the hierarchal level and concluded that harassment hinders women from climbing the hierarchical scale. Apaak and Sarpong (2015) revealed

that the majority of their study in Ghana had awareness of sexual harassment through mass media as opposed to institutions/parents. Most females, do not know what sexual harassment constitutes exactly, as they confused it with rape. Also, Boateng et al. (2015) revealed that sexual harassment is a major problem faced by the world, though the concept is not well understood in the international and national arena by the majority. Various studies demonstrate how problematic it is to define the term sexual harassment because of the difficulty for institutions to draw the line between flirting, playful courtship, and sexual harassment. The majority of the students became aware of sexual harassment through either media or by reading books as opposed to the institution of knowledge and parents preferred them. The common reason for this is that sexual education remains a favorite of conservative religious and political groups. It is deemed that such education promotes promiscuous behavior and early sexual activity (Khubchandani et al. 2014).

Yet, religious leaders have recently been reported among people who sexually harassed girls in Indian society (Neethu Raghu Kumar 2017). Culturally, women are viewed as the weaker gender that is worthy of lower social status as compared to men due to numerous reasons, especially viewed as dowry burdens, which is further aggravated by the very poor Gender Inequality Index of the country (Pereira and Rodrigues 2014). These enhance crimes against women and shows the importance of evaluating the knowledge of awareness, which this study seeks to achieve. In addition, Indian society is in a stage of rapid social transition (Banerjee and Sharma 2011) hence, the need for early sensitization of higher education students in order to prevent them from falling prey to sexual harassment. Nauman and Abbasi (2014) and Rajouri et al. (2012) further disclosed that India has a

strong history of women fighting against sexual harassment in the workplace in a plethora of cases cumulatively in (Vishaka and Ors vs State of Rajasthan and Ors, 1997) where the Supreme Court acknowledged the lack of specific laws addressing sexual harassment at workplace in the Indian legislation. The court further provided Vishakha Guidelines to serve as the legal framework for resolution, settlement, or prosecution of sexual harassment cases pending the time that the Parliament would

In act a suitable law to fill the lacuna (Parikh and Sinha 1999). Based on the said Vishakha guidelines, the Government of India formulated a circular for central government employees on 13th February 1998 (Singh 2013). Subsequently, on 3rd September 2012, the sexual harassment of Women at the workplace (Prevention, Prohibition and Redressal) Bill (2012) was passed into law by the Lower House of the Parliament, further confirmed by the Upper House of the Parliament on 26th February 2013 and received the President's assent on 22nd April 2013. It however became effective on 9th December 2013 (Veena et al. 2013). Sometimes May 2016 the University Grant Commission realized the 'Act' only protects working women, so the Commission also amended its Rules and regulations to be gender-neutral for the protection of educational institutions at large. At this juncture, it is right to agree with (Pina and Gannon 2010) who said that the mere presence of a sexual harassment policy is not enough to safeguard or prevent sexual harassment from occurring. Hence, if continuous training and awareness are not sustained, then the remarkable effort of the laws will be nugatory (York et al. 1997). It is apposite to note that the researchers chose the comparative sample of private and State educational institutions because of the significance characteristics of their students

based on their awareness and attitudes toward the subject matter. First, private educational institutions mean those schools owned or solely financed by an individual(s) or group of people under trust while, State educational institutions are owned, run, and financed by the government and partly by individuals that established the schools. Secondly, Indian news has it that students from privately owned institutions are likely to commit suicide at slightest disorder they experience and they hardly have the capability to bear pressure due to their privileged upbringing (Sehran 2017) same with victims of sexual harassment who stand risk of suicidal thoughts, ideation and paranoia at school (Lijster et al. 2016). While the attitude of students from State-owned institutions is more of withdrawal from schools or loss of interest in the study. Sexual assault on college campuses: A 50-state survey of criminal sexual assault statutes and their relevance to campus sexual assault.

Based on some of the Indonesian research such as research on the experience and knowledge of sexual harassment: a preliminary study among Indonesian university students (experience and knowledge on sexual harassment: a preliminary study among Indonesian university students) (Binahayati Rusyidi, and friends 2019). The respondent of this research is about 133 male and female student of university underage 19,6 years who is currently pursuing a bachelor's degree in social welfare and political science at a non-randomly elected state university in West Java. The Majority of the respondent has experienced at least one form of sexual harassment committed by known or unknown people. The common forms of sexual harassment are unwanted sexual attention and gender harassment. The implications of the findings on college education to raise students' awareness of sexual harassment.

Ariani Hasanah Soejoeti and Vinita Susanti in *DEVIANCE: JURNAL KRIMONOLOGI* 2020 in title *Diskusi Keadilan Restoratif Dalam Konteks Kekerasan Seksual di Kampus* stated that Restorative in cases of sexual violence can be an alternative solution as well as an additional effort for victims to achieve justice, together or separately from the conventional criminal justice process.¹⁶ Talking about sexual violence on campus, Nikmatullah stated there are several mechanisms that can be done to prevent and overcome sexual violence in universities that must be accompanied by good bureaucracy and adequate human resources. Human resources play an important role in creating a gender-friendly campus environment and culture, free from sexual violence. This requires understanding and awareness to identify forms of violence, change a responsive mindset and respect the victim in order to provide justice and protection to the victim¹⁷.

The Utilization of Social Instagram as a discussion room to prevent Sexual Harassment in the Academic environment also has been discussed in research development by Wiwid Andianto *Journal of Service* of 2020. The findings Explained and stated that sexual harassment on campus is inseparable from the abuse of power structures, but sexual harassment also does not rule out the possibility of being carried out by all layers of structures on campus. It is also explained that sexual harassment at university not only comes from the abuse of power structures, but sexual harassment also does not rule out the possibility of being carried out by all layers of

¹⁶ ariani hasanah soejoeti dan vinita susant, "memahami kekerasan seksual sebagai menara gading di indonesia dalam kajian sosiologis," *community* 6, no. 2 (oktober 2020): 207–22.

¹⁷ nikmatullah, "demi nama baik kampus vs perlindungan korban: kasus kekerasan seksual di kampus."

structures on campus. The problem is that sexual harassment has not been taken seriously. The objective of this Community Preservation is to educate people about prevention, resistance, gender literacy, and also improvement of social construction in society related to sexual harassment. This community service is carried out in the form of a virtual talk show in collaboration with the Yogya Feminist community and the Women Today community. The result of this Virtual talk show it can be seen that the audience knows the forms of sexual violence, understands the chain of the impact of sexual harassment, has knowledge of the social and cultural constructs that shape the normalization of circumstances, has knowledge of how to prevent sexual harassment on campus, has knowledge of what to do when getting sexual harassment on campus, and an understanding of feminism that refers to humanity¹⁸.

¹⁸ wiwid adiyanto, "pemanfaatan media sosial instagram sebagai ruang diskusi upaya pencegahan pelecehan seksual di lingkungan akademis," *jurnal ilmiah pengabdian universitas turnojoyo* 6, no. 2 (des 2020).

CHAPTER II

RELEVANT THEORETICAL CONCEPTS

A. The Concept of Sexual Harassment

Adam Chazawi in Soerjonp Soekanto¹⁹ state that the meaning of decency is Manners, but in there is some other meaning as sexuality and lust. Because of this meaning, the scope of sexual harassment is difficult to formulate and the values that apply in a society may be different from other societies. So as a country of law, one way to find common ground in interpreting sexual harassment can be formulated based on offences or criminal acts based on regulations.

Based on Criminal Code 2022, sexual harassment includes the criminal act of decency as stipulated in articles 410 to 426. Those included in the criminal act of decency include pornography, showing pregnancy prevention devices and abortion devices, adultery, obscene acts, and facilitating fornication and copulation. According to Akbar Asfar²⁰ Sexual harassment is some condition where an individual is sexually harassed in the form of hugging, patting, or stroking an individual without permission to show his vital organs which results in discomfort to cause irritability for the individual.

Furthermore, Qotimah state that every form of coercion of sexual or intimate intercourse or committing acts that the victim does not want is called sexual

¹⁹ Soerjono Soekanto dan Mamuji Sri, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, 2003 (Jakarta: PT Raja Grafindo Persada, t.t.), 13.

²⁰ Akbar Asfar, Mistari, dan Sunarti, "HUBUNGAN PELECEHAN SEKSUAL DENGAN KONDISI PSIKOLOGIS PADA REMAJA DI SMK ANALIS KIMIA MAKASSAR," *Bina Generasi : Jurnal Kesehatan* 12, no. 1 (25 September 2020): 14–20, <https://doi.org/10.35907/bgjk.v12i1.155>.

harassment²¹. There are two kinds of sexual harassment based on the Perpetrator. First, is sexual abuse committed by one's own family, and second is abuse committed by people outside of their family members. According to Sihite²² sexual harassment is all forms of harassing or low-lying acts related to sex drive and may result in harm to the victim. The factors that cause a person to commit sexual harassment are biological factors and sociocultural factors.

According to the findings of Yusuf's research in Rismawati²³, there are five levels of sexual harassment as Gender Harassment, Seductive Behavior, Bribery Sex, Sexual Coercion, and Sexual Coercion. From this statement, it can be said that every action or behavior carried out by individuals/groups of people in individuals/groups of people that is sexually both verbally and non-verbally that are felt disturbing and cause uncomfortable conditions because it brings down the dignity and dignity of the victim so that it must be followed up by law²⁴.

²¹ Aulia Khusnul Qotimah, Ayu Nur Azizah, dan Nursherlyna Nursherlyna, "The Perlindungan Kekerasan Pelecehan Terhadap Perempuan Di Indonesia," *TIN: Terapan Informatika Nusantara* 1, no. 3 (22 Agustus 2020): 123–25.

²² Ribka Purnamasari Sihite dkk., "PERLINDUNGAN HUKUMTERHADAP ANAK SEBAGAI KORBAN TINDAK PIDANA PENCABULAN (TINJAUAN PUTUSAN NOMOR :398/PID.SUS/2018/PN.MDN)," *Al-Adl : Jurnal Hukum* 12, no. 2 (29 Juli 2020): 300–316, <https://doi.org/10.31602/al-adl.v12i2.2914>.

²³ Venny Rismawanti, "GAMBARAN SIKAP REMAJA TERHADAP PELECEHAN SEKSUAL DI SMAN 2 RENGAT TAHUN 2019," *Menara Ilmu* 15, no. 1 (15 Januari 2021), <https://doi.org/10.31869/mi.v15i1.2371>.

²⁴ Wenda Asmita dan Masril, "Sexual Harassment Treated With Feminist Therapy (Pelecehan Seksual Ditanggulangi Dengan Terapi Feminis)," *Jurnal Bikotetik (Bimbingan Dan Konseling: Teori Dan Praktik)* 6, no. 2 (14 November 2022): 4, <https://doi.org/10.26740/bikotetik.v6n2.p79-83>.

Sexual harassment according to Elli Nur Hayati²⁵ has a long scale. Start from a verbal phrase like comment, jocking, and so on which dirty/indecent, indecent behavior (poking, groping, petting, hugging, and so on), displaying pornographic/sordid images, indecent assault, and coercion such as forcing to kiss or hug, threatening to make it difficult for the woman if she refuses to provide sexual services, to rape.

Based on the breadth scope of sexual harassment according to Elli's perspective, it can be concluded that all places where the mixing place between men and women, will have the potential happen for sexual harassment. This statement was reinforced by Adiyanto²⁶ who said that sexual harassers today are increasingly courageous in their actions. Sexual harassment seldom happens, even in places that are considered safe such as boarding schools, schools, and public places, and in any place sexual harassment can occur.

Meanwhile, there are a lot of causes of sexual harassment caused by power relations as mentioned by Ivo Noviana²⁷ namely molesters. Sexual harassment is carried out under violence and followed by threats so that the helpless victim is called a molester. The condition caused the victim to be dominated and have difficulty uncovering it done by equal peers, or also by people who didn't know him before. Even in the most private space, namely in a family, sexual abuse can occur.

²⁵ Elli Nur Hayati, *Kekerasan Seksual*, (Jakarta: Program Gender dan Seksualitas FISIP UI b, 2004), 139.

²⁶ Wiwid Adiyanto, "Pemanfaatan Media Sosial Instagram Sebagai Ruang Diskusi Upaya Pencegahan Pelecehan Seksual di Lingkungan Akademis," *Jurnal Ilmiah Pangabdhi* 6, no. 2 (21 Oktober 2020): 78–83, <https://doi.org/10.21107/pangabdhi.v6i2.7594>.

²⁷ Ivo Noviana, "KEKERASAN SEKSUAL TERHADAP ANAK: DAMPAK DAN PENANGANANNYA," *Sosio Informa* 1, no. 1 (24 Agustus 2015): 17, <https://doi.org/10.33007/inf.v1i1.87>.

Marcheyla Sumera²⁸ said sexual harassment is caused by a gender construct in a patriarchal society that places one sex lower than the other. Unfortunately, women are always being discriminated against in sexual harassment cases. Even if they are victims, they will be seen as the perpetrator of sexual harassment. There are three major explanations for the occurrence of sexual violence/harassment, as mentioned below:

1. The explanation that leads to internal conditions, and individual characteristic which is caused sexual harassment.
2. The explanation leads to some reasons that are attached to the personal characteristics of the victim. Here, the sexual violence/abuse experienced by the victim is caused by the victim's own inviting behavior or that the victim has certain personality characteristics that cause her to be easily subjected to sexual violence/harassment
3. Feministic explanation in which sexual violence/harassment against women is a product of social structure and socialization in society that prioritizes and unites the interests and perspectives of men while considering women as a lower and less valuable gender than men.

Violence sexual is a serious social problem and of Complex Public Health Issue. As mentioned by United Nations Women (UN Women)²⁹ who state that there is a significant increase in violence cases about 736 cases

²⁸ Marcheyla Sumera, "Perbuatan Kekerasan/Pelecehan Seksual Terhadap Perempuan," *LEX ET SOCIETATIS* 1, no. 2 (May 10, 2013): 39, <https://doi.org/10.35796/les.v1i2.1748>.

²⁹ UN Women, "Facts and Figures: Ending Violence against Women," UN Women – Headquarters, diakses 12 Desember 2022, <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.

which are happening in women in several years. Violence against women is increasing with cases that are starting to be diverse and complex and occur across spaces, both in the domestic, public, and state spheres. In one of the studies conducted by a Singapore-based company, Value Champion found that Indonesia is the second-ranked country in the Asia Pacific that is considered unsafe for women. After the first place was occupied by the Philippines.³⁰

B. Sexual Violence in Education

Furthermore, reviewed from Sociological and ideological aspects, the phenomenon of violence in everyday life actually often occurs not only in the domestic sector such as domestic and family affairs, but also violence has spread to the public sector starting from the work environment and even in the educational environment³¹. The annual record of the National Commission on Violence Against Women (catahu 2020) notices there are 8.234 cases of Violence in the domestic area which violence against wives (KTI) at the first ranked in 3,221 cases (49%). While violence against a woman in public is it is about 1.731 cases (21%) and the most prominent is sexual violence about 962 cases (55%) consisting of obscenity cases (166 cases) rape (229 cases)

³⁰ The Jakarta Post, "Indonesia Ranked Second-Most Dangerous Place for Women in Asia Pacific: Study," The Jakarta Post, diakses 12 Desember 2022, <https://www.thejakartapost.com/news/2019/03/06/indonesia-ranked-second-most-dangerous-place-for-women-in-asia-pacific-study.html>.

³¹ Dyah Palupi Ayu Ningtyas, "Domestic Violence Screening Sebagai Peningkatan Implementasi Mediasi Perceraian Berdasarkan Peta KDRT Pada Kultur Masyarakat Jawa Timur," *Sakina: Journal of Family Studies* 5, no. 2 (23 Agustus 2021), <http://urj.uin-malang.ac.id/index.php/jfs/article/view/733>.

sexual harassment (181 cases) Promiscuity (5cases) and the rest is about attempted rape and other sexual assaults³²

Based on the Women's National Commission report in the same year, found that universities are the first rank with the most cases of sexual violence compared to other levels of education.³³ The Complaints of sexual violence cases in universities are the first rank with a percentage of 27%, then the second rank in Islamic boarding schools or education as much as 19%, followed by SMK / SMA with as much as 15%.³⁴

Meanwhile, as for the report of *tirto.id*, the Jakarta pos, and *vice Indonesia*³⁵ revealed various modes that occur in cases of sexual violence in universities, including; Inviting students out of town under the pretext of adding to the science, physical and psychic sexual violence during thesis guidance. This is due to the power relations of scientific authorities that place students as powerless parties in front of lecturers³⁶. A survey from *Lentera Sintas Indonesia* and *Magdalene. co* through *Change.org* stated that 93% of people who have experienced sexual violence do not report it to law enforcement. The campus is a place to gain knowledge inseparable from the threat of

³² "1463.1614929011.pdf," 1, diakses 12 Desember 2022, <https://komnasperempuan.go.id/uploadedFiles/1463.1614929011.pdf>.

³³ Elindawati, Rifki. "Perspektif Feminis dalam Kasus Perempuan sebagai Korban Kekerasan Seksual di Perguruan Tinggi." *AL-WARDAH: Jurnal Kajian Perempuan, Gender dan Agama* 15.2 (2021): 182.

³⁴ <https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2020-kekerasan-terhadap-perempuan-meningkat-kebijakan-penghapusan-kekerasan-seksual-menciptakan-ruang-aman-bagi-perempuan-dan-anak-perempuan-catatan-kekerasan-terhadap-perempuan-tahun-2019>

³⁵ <https://tirto.id/kasus-agni-bagaimana-ugm-mengabaikan-kasus-kekerasan-seksual-dgpm>

³⁶ Nikmatullah, Nikmatullah. "Demi nama baik kampus vs perlindungan korban: kasus kekerasan seksual di kampus." *QAWWAM* 14.2 (2020): 42.

sexual violence. The confessions from survivors quoted from the Tirto.id news portal stated that perpetrators of sexual violence were committed by various individuals on campus³⁷, ranging from lecturers, fellow students, campus staff, professors, residents at KKN locations, and even campus doctors Safer Internet Forum (2019) released a report that sexual harassment can lead to murders that start only from sexist jokes.

Although the rate of sexual violence at the university is the highest compared to other educational institutions, the awareness of students to dare to speak out against sexual violence is still low. This is as Kurniawan found in 2016 as quoted by Rismawanti.³⁸ There are so many crimes that happen around us but society tolerates these crimes. One of them is sexual harassment, which is a negative behavior that the victim does not want, which has sexual traits that include mild, annoying, and forced sexual treatment. This research was conducted to measure the understanding and tolerance behavior of students to sexual harassment. The total subject is about 347 students the result of the research showed that the subject understands well the definition of sexual harassment but respondents tend to get angry if given a sexual harassment stimulus. The outrage arises because sexual violence is considered taboo to talk about in educational institutions.

The power of relations is stated by Michel Foucault³⁹ as a mode that causes sexual violence whose patterns are increasingly complex. For example, the incidents of sexual violence committed by lecturers to

³⁷ "Testimoni Kekerasan Seksual: 174 Penyintas, 79 Kampus, 29 Kota," diakses 12 Desember 2022, <https://tirto.id/testimoni-kekerasan-seksual-174-penyintas-79-kampus-29-kota-dmTW>.

³⁸ Rismawanti, "GAMBARAN SIKAP REMAJA TERHADAP PELECEHAN SEKSUAL DI SMAN 2 RENGAT TAHUN 2019," 6.

³⁹ Foucault, M. (1997). *Seks dan Kekuasaan: Sejarah Seksualitas*, terj. Rahayu S. Hidayat. (Jakarta: Gramedia, 1997), 17.

female students, educators/teachers to students, Ustad or caregivers of pesantren cottages to students, and superiors in the place of work to employees. Because it is important to know about the kinds of sexual harassment, and the way the violence occurred and slipped into the discourse. The Power of manages to encompass the most subtle and most personal forms of sexual behavior. Some cases occur between students in the same institution, and also between institutions involving outside parties. Unfortunately, universities prefer to hide cases of sexual violence under the pretext of maintaining the good name of the campus and lecturers.⁴⁰

Furthermore, from sociology perspective, violence is against the woman because there is interactions that result in an imbalance of bargaining position in the status of roles and positions.⁴¹ This condition has been regulated by a mechanism in the social structure of society whose reference refers to the culture (norms or values) of society that is manifested in a social relationship or social interaction. So that the violence that arises comes from the relationship between patriarchal cultural aspects, and dominative, exploitative structural aspects due to the unbalanced bargaining position of men and women, this results in physical and mental-psychological relations below the power relation line.

Seeing the large number of cases of sexual violence experienced by students on campus, the

⁴⁰ <https://tirta.id/kasus-agni-bagaimana-ugm-mengabaikan-kasus-kekerasan-seksual-dgpM>

⁴¹ Sumintak Sumintak dan Abdullah Idi, "Analisis Relasi Kuasa Michel Foucault: Studi Kasus Fenomena Kekerasan Seksual Di Perguruan Tinggi," *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 11, no. 1 (26 Juni 2022): 59, <https://doi.org/10.19109/intelektualita.v11i1.11117>.

government sees an urgency to overcome sexual violence among universities. Then in November 2021 the Minister of Education, Culture of Research and Technology of Indonesia, Nadiem Makarim issued Peremendikbud No. 30 of 2021⁴² concerning Prevention and Handling of Sexual Violence as a forum and legal protection against cases of sexual violence in universities in Indonesia. Even though this policy reaps pros and cons in its socialization. However, the Minister of Education and Culture is one of the government's progressive steps in preventing and handling cases of sexual violence on campus.

Whereas at universities the Ministry of Religious Affairs also developed guidelines for mechanisms for the prevention and handling of sexual violence cases. These rules occur as the follow-up of a memorandum of understanding and cooperation between the Ministry of Religious Affairs and the Women's National Commission in May 2018. Followed by the issuance of the Decree of the Director General of Pendis Number 5494 of 2019 concerning Guidelines for the Prevention and Mitigation of Sexual Violence in Islamic Religious Universities. The decree is addressed to the rector and chairman of THE STATE ISLAMIC RELIGIOUS COLLEGE / PTKIS to monitor and evaluate the implementation of the decree in their respective regions. The latest regulation, the Minister of Religious Affairs Regulation Number 73 of 2022 concerning the Prevention and Handling of Sexual Violence in the Education Unit at the Ministry of Religion was issued which regulates the prevention of KS in all education units under the Ministry of Religion.

⁴² “Ini Poin-poin Kekerasan Seksual dalam Permendikbud Nomor 30/2021,” diakses 12 Desember 2022, <https://www.beritasatu.com/news/907005/ini-poinpoin-kekerasan-seksual-dalam-permendikbud-nomor-302021>.

C. Factors Causing Sexual Violence in Higher Education

In order to dismantle the reality of sexual violence in higher education, Rifki Elindawati⁴³ conducted an analysis based on the theory of Michel Foucault. According to her, there are three things that can be reviewed to analyze sexual violence experienced by women. First, there is an unequal power relationship between the perpetrator and the victim of sexual violence, so the victim has a fear of reporting. There are threats and detrimental repercussions for the victim if he dares to speak up. The victim is in two dilemmatic choices revealing the incident and obtaining justice or keeping the wound indeterminate.

Second, women are the targets of this unbalanced power, especially with the proliferation of patriarchal culture universities in Indonesia. Men are considered to have power and dominance over women. It is because of this misaligned position that discrimination based on gender occurs and is considered a common phenomenon. The narration that women are domestic beings and men are public beings seems to address the gender inequality that occurs.

Third, the victim-blaming culture that many victims of sexual violence experience. Previously, victims of sexual violence were reluctant to report the unpleasant incident to the authorities or speak publicly. A high level of education does not guarantee a person to be free from the ancient thinking that considers women to be sexual beings. So that women's fashion preferences do not escape criticism and are considered to be the cause of sexual violence. Instead of focusing on assisting victims and immediately the discourse around a woman's mistake into taking an attitude and establishing a relationship still become a pointless debate.

⁴³ ibid

According to Rifki Elindawati strengthened by the opinion of Khaerul Umam dkk⁴⁴ related to the reason for the high number of sexual violence in the university. As for the several factors among others:

First, there is a chance and opportunity. The victim basically has a power relation with the perpetrator having the opportunity and be in a safe place for doing the sexual violence. Just say it lecture and student relation, senior and junior, teacher and student which happen without public control and social control so will open of happening sexual violence. Respect, afraid, and reluctance to easy happening abuse power in the education environment. Furthermore, the University should establish of safe space and establish an educational atmosphere that closes opportunities for abuse of power relations in the University environment.

Second, immoral and sexual violence are considered the same. Sexual violence that happens in equal relations (between fellow students, lecturers, and teachers) is considered becoming immoral action because doing based on like each other. Unlucky, the voice of those like each other was raised by outsiders without asking for clarification from victims. As the result, many victims choose to be silent and not report the incident that experienced than judged. The victims are placed into a position that is unfavorable and into a position that is detrimental.

Third, the University did not have a handling policy for sexual violence. Although the Ministry of Education and the Ministry of Religion have issued a handling policy of sexual violence at the national level, the policy not

⁴⁴ Khaerul Umam Noer Titik Kartika, dkk Titiek Kartika, *Membongkar Kekerasan Seksual di Pendidikan Tinggi: Pemikiran Awal* (Yayasan Pustaka Obor Indonesia, 2022).

having a derivative yet that can become the guidelines. This matter becomes one of the dominant factors why victims unwilling to report. Nothing clear sanctions rules, and nothing side that can ensure victim safety. There are no rules that will cause the report to end in vain. Some universities have chancellor's decree and also make task forces against sexual violence. However, another part did not have yet derivative rules.

D. Policy as a way of Preventing and Handling Sexual Violence in the University.

The policy in Indonesia Dictionary means to become a suite concept and principle as the outline and basic plan for work implementation, leadership, and ways of acting.⁴⁵ Understandable that policy is the guideline into carry out a job. The guidelines are made in order to achieve a specific purpose.

This case is in line with the definition of policy put forward by Anderson stated that policy is a series of activities that do to achieve a specific purpose, followed and implemented by a group of people used to solve the problem.⁴⁶ Similarly, Friedrich stated that policy is an action that leads to goals proposed by someone, group, or government in a specific environment. In connection with exists obstacles while searching for a chance to achieve the purpose or desired target.⁴⁷ Therefore the policy of prevention and treatment of sexual violence in the University is the effort of the government with the purpose

⁴⁵ "Hasil Pencarian - KBBI Daring," diakses 23 Desember 2022, <https://kbbi.kemdikbud.go.id/entri/kebijakan>.

⁴⁶ Sholih Muadi, I. MH, dan Ahmad Sofwani, "Konsep dan Kajian Teori Perumusan Kebijakan Publik," *Jurnal Review Politik* 6, no. 2 (2016): 195–224.

⁴⁷ Eko Handoyo, *Kebijakan Publik* (Semarang: Widya Karya, 2012), 5.

of guidelines to solving the problem associated with sexual violence much happened in the university.

E. Forms of Policies for the Prevention and Handling of Sexual Violence in Indonesia

Forms of policy which be appointed by the government in preventing sexual violence in the University form Peremendikbud No. 30 Tahun 2021.⁴⁸ Prevention and handling of sexual violence be appointed by the Indonesian Ministry of Education, Culture, Research, and Technology. Whereas the Islamic University form of policy is issued form Regulation of the Minister of Religion 73 number 2022 year about the prevention and treatment of sexual violence in the Education Unit at the Ministry of Religion.⁴⁹ This policy is the guideline for universities to do prevention and treat sexual violence that happens in the environment. This policy is an effort to give safety to the academic community which becomes sexual violence victims that happened in the University load about forms sexual violence and give guidelines about prevention, treatment, task force, reporting, re-examination, rights of victims and witnesses, and evaluation.

Effort prevention is a policy of the Minister of Education and Minister of Religion as stated in the regulation of prevention and treatment of sexual violence with socialization, learning, strengthening governance, and strengthening culture. Socialization can do with the delivery of information and campaigns and other forms of

⁴⁸ “salinan_20211025_095433_Salinan_Permen 30 Tahun 2021 tentang Kekerasan Seksual fix.pdf,” diakses 24 Desember 2022, https://jdih.kemdikbud.go.id/sjdih/siperpu/dokumen/salinan/salinan_20211025_095433_Salinan_Permen%2030%20Tahun%202021%20tentang%20Kekerasan%20Seksual%20fix.pdf.

⁴⁹ “Peraturan Menteri Agama Nomor 73 Tahun 2022,” 21 Oktober 2022, <https://peraturanpedia.id/peraturan-menteri-agama-nomor-73-tahun-2022/>.

sexual violence. Socialization of material can form kinds of sexual violence, policies that exist in the University, and mechanics of the report on sexual violence. Education for the prevention of sexual violence proved knowledge about sexual violence and build attitudes and conditions for refusing everything from sexual violence.⁵⁰ Prevention is through learning with the development of a curriculum, teaching materials, and other learning resources that are responding to sexual violence. Also, through scientific studies related to the prevention and treatment of sexual violence. The prevention through strengthened governance includes the provision of standard operational procedures (SOP), provision of infrastructure-related needs, and building partnerships with related agencies. SOP is the systematic guideline for the prevention of sexual violence. SOP becomes important when the academic community gets sexual violence, either on yourself or other.⁵¹

Prevention through social strength includes introducing the environment, instilling concern for sexual violence, and developing a communication network. Introducing of environment and instilling concern by doing build geography humans that support the prevention of sexual violence,⁵² that is geography humans that safety for men and women in the University environment. Cultural strength is also based on instilling moral societal

⁵⁰ Dini Rakhmawati, Desi Maulida, dan Yovitha Yuliejantiningasih, "Pembanjiran Informasi, Asertivitas Seksual Dan Kekerasan Seksual Di Perguruan Tinggi," *Indonesian Journal of Guidance and Counseling: Theory and Application* 11, no. 2 (30 September 2022): 75–82, <https://doi.org/10.15294/ijgc.v11i2.60831>.

⁵¹ Ahmad Jamaludin dan Yuyut Prayuti, "Model Pencegahan Kejahatan Seksual Di Lembaga Pendidikan Pesantren," *Res Nullius Law Journal* 4, no. 2 (25 Juni 2022): 161–69, <https://doi.org/10.34010/rnlj.v4i2.6861>.

⁵² Ulfah Fajarini dan Nurul Handayani, "Human Geografi Dan Pelecehan Seksual Terhadap Perempuan Di Perguruan Tinggi Keagamaan Islam Negeri," *Jurnal Harkat: Media Komunikasi Gender* 17, no. 1 (13 Agustus 2021): 49–66.

values between men and women, a level increase of control over people, scrape patriarchy culture in the University so scrapes also a negative stigma for women, and civilizing to not blame sexual violence, so which gives safe feeling for the victims to voiced.

Efforts to prevent violence in the University also doing by building up Ecology social model University that is supported. Development social Ecology University starts with individuals, relations, and society of the academic community University on the whole. Efforts indicator and prevention of sexual violence in the university include 1) Efforts prevention which is Comprehensive that is mutually reinforcing each other 2) need a legal institution and effective into develop prevention strategy for sexual violence 3) strength understanding message of prevention and handling of sexual violence in the university 4) partnership with policy holders to strengthening and harmonizing prevention and handling strategy sexual violence continuously 5) evaluation model on the run program.⁵³

Responsible for education Institut about handling sexual violence as contained in Peremendikbud No. 30 Tahun 2021 set about assistance, protection, handling of administrative sanctions, and handling of victims, whereas Perma Nomor 73 Tahun 2022 includes the report, protection, Assistance, prosecution, dan recovery of victims. The policy about reporting sexual violence in the university, set about how to report of procedure sexual violence happened, clarification of report to the

⁵³ Dudy Imanuddin Effendi, "Upaya Preventif Kekerasan Seksual Di Kampus," Monograph (Bandung: Pusat Perpustakaan UIN Sunan Gunung Djati Bandung, 25 Maret 2021), <http://digilib.uinsgd.ac.id>.

complainant, victim, witness, reported, or other related parties.⁵⁴⁵⁵

The protection for witness and victim sexual violence in the University into permendikbud policy and Perma in protection form for identity, providing of information for right, facility, protection access, and guarantee of study continuity or job of witness academic community sexual violence. Whereas accompaniment can give from counseling, Health services, legal aid, and rehabilitation services. Providing this protection is done by the university through task force formation and also needs to involve witness and victim protection agencies in providing victim protection.⁵⁶ Whereas effort recovery is the victim doing by victim agreement. Recovery victim action can form medical action, physical therapy, psychological therapy, and sexual guidance therapy. Recovery action is done by professional staff, either from the internal University or can partner with another side.

Sexual violence is done by universities such as the policy into permendiknas dan perma are administrative sanctions in the form of exemption from duties. This doing because the task force is first coating into case handling of sexual violence in the University administrative sanctions is functionalization law form into the handling of sexual violence in the University. Forward of administrative law more is considered as important than criminal law, because the nature of criminal law is an ultimatum remedy that is the last tool when other laws are not capable handle optimally.⁵⁷

⁵⁴ “salinan_20211025_095433_Salinan_Permen 30 Tahun 2021 tentang Kekerasan Seksual fix.pdf.”

⁵⁵ “Peraturan Menteri Agama Nomor 73 Tahun 2022.”

⁵⁶ Orin Gusta Andini, “Urgensi Keterlibatan LPSK dalam Penanganan Kasus Kekerasan Seksual di Perguruan Tinggi,” t.t.

⁵⁷ Made Sugi Hartono, “Fungsionalisasi Hukum Sebagai Fondasi Bangunan Peradaban Perguruan Tinggi Yang Anti Kekerasan

Based on the explanation above, actually, the government have the effort to give a guarantee for the sexual violence problem, however, not all Universities have an implementation of the government operationally yet.⁵⁸ According to the letter, so need encouragement and effort to build University awareness to create a policy that arranges everything problem to sexual violence.

F. Forms of Policies for Prevention and Handling of Sexual Violence in Malaysia

Although Malaysia is a country directly adjacent to Indonesia, but Malaysia has implemented a different law system compared to Indonesia. Malaysia is a developing country that is a former British colony so apply anglo saxon law system (common law system). Whereas Indonesia applies the Continental European legal system because as former Belanda colony.⁵⁹

The main principle attached to a country with the Continental European law system is protection for human rights and power-sharing state institutions.⁶⁰ Implementation from that system looked from a dividing power that structured into executive, judicative, legislative institutes and fundamental ideology law others.⁶¹

Seksual,” *Jurnal Komunikasi Hukum (JKH)* 8, no. 2 (1 Agustus 2022): 511–24.

⁵⁸ Elizabeth Grace Simanjuntak dan M Falikul Isbah, “‘The New Oasis’: Implementasi Permendikbud Tentang Pencegahan dan Penanganan Kekerasan Seksual di Perguruan Tinggi,” *Jurnal Analisa Sosiologi* 11, no. 3 (30 Juli 2022), <https://doi.org/10.20961/jas.v11i3.59736>.

⁵⁹ Fajar Nurhardianto, “Sistem Hukum Dan Posisi Hukum Indonesia,” *Jurnal Teropong Aspirasi Politik Islam* 11, no. 1 (2015): 1, <https://doi.org/10.24042/tps.v11i1.840>.

⁶⁰ Haposan Siallagan, “PENERAPAN PRINSIP NEGARA HUKUM DI INDONESIA,” *Sosiohumaniora* 18, no. 2 (26 Oktober 2016): 136, <https://doi.org/10.24198/sosiohumaniora.v18i2.9947>.

⁶¹ Yumpu.com, “Comparative Law in a Changing World, Second Edition,” yumpu.com, diakses 30 Desember 2022,

Whereas the country has followed Anglo Saxon system leading to steps for a fair or impartial trial of arbitrary action. Based on A.V. Dicey,⁶² at least there are three main elements in *the rule of law* understanding as followed Anglo Saxon law system. The three main elements meant that is the supremacy of legal rules or in other words, the absolute superiority of law, equal position before the law or often also referred to as equality before the law, and the guarantee of human rights in the constitution and by the judiciary. In the understanding of *the rule of law*, constitutional law is not a source but is a consequence of individual rights that are formulated and confirmed by the court.

Although have each characteristic, both law systems basically have one of the main purposes which is to apply the concept of law country. Both of them believe that the law is the right means to set national and state life. Apart from applying Anglo Saxon law system, Malaysia also considers Islamic law and customary law for the life of citizens. As for form country is Federal as high power to determine law policy that applies to other regions. One of the policies arranged into the Malaysian government system is regulation related to sexual violence. Sexual violence is one of the crimes that degrade human dignity. Other than that, sexual violence also makes causes turmoil in the community and makes the community uncomfortable and not safe. Based on the basics above, the Malaysian government arranged sexual harassment into *Kanun Keseksaan*, as usually called by the criminal law code in Indonesia.⁶³ Specifically, the rule about

<https://www.yumpu.com/en/document/read/11805833/comparative-law-in-a-changing-world-second-edition>.

⁶² Siallagan, "PENERAPAN PRINSIP NEGARA HUKUM DI INDONESIA," 135.

⁶³ Fredericko Belafonte, "Analisis Yuridis Menurut Hukum Indonesia Dan Malaysia Terhadap Tindak Pidana Pencabulan Dalam

sexual harassment is arranged into 354 and 509 *Kanun Keseksaan* Malaysia chapter. Translated by NI made Anggraeni and friends to the Indonesian language as follows: ⁶⁴

354 *Kanun Keseksaan* Malaysia chapter

"Anyone who attacks or uses violence against someone with the aim of humiliating his honor if proven guilty can be subject to criminal sanctions in the form of a maximum prison sentence of ten years or can be in the form of fines and caning, or can be punished with both of these penalties."

509 *Kanun Keseksaan* Malaysia chapter

"Anyone who has the intention to humiliate someone's honor by saying a word or making a signal that can disturb someone's decency. If proven guilty, they can be subject to criminal sanctions in the form of a maximum imprisonment of 5 years or a fine or can be punished with both."

In other sexual harassment, *Kanun Keseksaan* Malaysia also arranged deeds and also criminal sanctions for rapists in 375 and 376 chapters.

375 chapter as follows:

A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the following descriptions:

Ruang Lingkup Rumah Tangga (Incest)" (bachelor, Universitas Internasional Batam, 2013), 16, <http://repository.uib.ac.id/461/>.

⁶⁴ Ni Made Anggraeni dan I Wayan S Suardana, "Analisis Perbandingan Hukum Pelecehan Seksual Di Tempat Kerja 'Quid Pro Quo' Di Indonesia Dan Malaysia," *Jurnal Kertha Desa* 9, no. 3 (t.t.): 12–13.

- a. against her will;
- b. without her consent;
- c. with her consent, when her consent has been obtained by putting her in fear of death or hurt to herself or any other person or obtained under a misconception of fact and the man knows or has reason to believe that the consent was given in consequence of such misconception;
- d. with her consent, when the man knows that he is not her husband, and her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married or to whom she would consent;
- e. with her consent, when, at the time of giving such consent, she is unable to understand the nature and consequences of that to which she gives consent;
- f. with her consent, when the consent is obtained by using his position of authority over her or because of a professional relationship or other relationship of trust in relation to her;
- g. with or without her consent, when she is under sixteen years of age.

The sanction of perpetrator sexual violence is arranged into 376 chapters as follows:

- 1. Subject to subsections (2), (3), and (4), whoever commits rape shall be punished with imprisonment for a term which may extend to twenty years, and shall also be liable to whipping.
- 2. Whoever commits rape on a woman under any of the following circumstances:
 - a. at the time of, or immediately before or after the commission of the offence, causes hurt to her or to any other person;

- b. at the time of, or immediately before or after the commission of the offence, puts her in fear of death or hurt to herself or any other person;
 - c. the offence was committed in the company of or in the presence of any other person;
 - d. without her consent, when she is under sixteen years of age;
 - e. with or without her consent, when she is under twelve years of age;
 - f. with her consent, when the consent is obtained by using his position of authority over her or because of a professional relationship or other relationship of trust in relation to her;
 - g. at the time of the offence the woman was pregnant;
 - h. when by reason or on the occasion of the rape, the woman becomes insane;
 - i. when he knows that he is afflicted with the Human Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible disease and the virus or disease is or may be transmitted to the woman;
 - j. when by reason or on the occasion of the rape, the woman commits suicide; or
 - k. when he knew of the mental disability, emotional disorder, or physical handicap of the woman at the time of the commission of the crime, shall be punished with imprisonment for a term of not less than ten years and not more than thirty years and shall also be liable to be whipping
3. Whoever commits rape on a woman whose relationship to him is such that he is not permitted under the law, religion, custom, or usage, to marry her, shall be punished with imprisonment for a term

of not less than eight years and not more than thirty years, and shall also be punished with whipping of not less than ten strokes.

4. Whoever whilst committing or attempting to commit rape causes the death of the woman on whom the rape is committed or attempted shall be punished with death or imprisonment for a term of not less than fifteen years and not more than thirty years, and shall also be punished with whipping of not less than ten strokes.

According to substance 375 *Kanun Keseksaan* Malaysia chapter, knowing there are several actions that are called rape and can be sentenced. This action such as (1) sexual relations against the will of women; (2) sexual relations without the agreement of women; (3) sexual relations with the agreement of women because of threats or misunderstandings; (4) sexual relations with women agreement because of a woman. believe that man will marry her; (5) sexual relation with women agreement, because a woman does not understand about consequences of her agreement; (6) sexual relation with women agreement, which that agreement got because there is a power relation, profession, or another trust; (7) sexual relation with women agreement or without agreement who are under 16 years old.

Rape in Malaysia from the perpetrator action side can be distinguished become two that is rape with agreement and rape without agreement or rape against the will of women. Other than that, from the victim's side, a rape is distinguished: (1) the rape that is addressed to women generally; (2) the rape that is addressed to a woman has special relation (profession, work, or belief other relation); and (3) the rape that addressed for women.

Islamic confession as the religion of the country in the Malaysian constitution impact law life including criminal law. Therefore, criminal sanctions in rape cases accommodate the punishment model which is called into Islamic law. Sanction as arranged 375 *Kanun Keseksaan* Malaysia chapter form imprisonment and flogging which are formulated cumulatively. This case showed with use conjunction “and” (“dan”).

This flogging is a punishment from Islamic law for adultery, as The Word of Allah in the Qur'an Surah An-Nur (24) verse 2 which means: “Women who commit adultery and men who commit adultery, then lash each one of them a hundred times, and let no compassion for them prevent you from (carrying out) the religion of Allah if you believe in Allah, and the Hereafter, and let (the implementation of) their punishment was witnessed by a group of believers.”

As has been mentioned, criminal sanctions for rape action in *Kanun Keseksaan* Malaysia are cumulative imprisonment with a fine. Such as explained by Farid Sufian Shuaib, Islamic law has grown and developed evolutionary since independent Malaysia, because the constitution gave access to apply Islamic law. This case doing well in the side country or in the fellowship (Federation) level for establishing actions that are contrary to Islam as a violation and sentenced.⁶⁵

Rape is different from adultery, because in rape there is a coercion element from the perpetrator (man), so women (victim) based on hadist not get a sanction, just a man (perpetrator) get sanction. The rape has been in the

⁶⁵ Farid Shuaib, “Islamic legal system in Malaysia,” *Pacific Rim Law and Policy Journal* 21 (1 Januari 2012): 85–113.

Rasulallah era sentenced stoning for a man (perpetrator) and freeing the women from hudūd punishment.⁶⁶

Although have detailed rules related to sexual violence, but there are many cases that are neglected in Malaysia. One of the sexual violence that happens in the educational scope. This matter as concluded by Fonny Dameaty, dkk. research.⁶⁷ The research showed that all women workers who work in the university Klang Valley area, Malaysia experienced sexual harassment both verbally and physically.

Sexual harassment happened in the university Lembah Klang area, Malaysia caused to several factors such as there are gender problems not equal in the workplace. The total of women workers is more than men can create vibes and conditions that encourage happen of sexual harassment. In Malaysia majority of work in the university is the women but a boss is a man. The women are in a community that should submissive and obedient under the power of men. The power handled by men can be abused to force them that have lower (women workers) and this is also can obstruct women for get higher women. As a result, women workers become a choice to consider sexual objects who are interested in the relationship between work colleagues and men bosses in the workplace.

Then, from the biology corner, men and women are different, that is men have a stronger physical state and are easier to beat and exploit women. Where are the men have personalities and characters naturally more aggressive and

⁶⁶ Kuswardani Kuswardani, "Sexual Violence in Indonesia and Malaysia: A Comparative Study," *Jurnal Media Hukum* 26, no. 1 (29 Juni 2019): 56, <https://doi.org/10.18196/jmh.20190122>.

⁶⁷ Fonny Dameaty Hutagalung dan Zainal Arifin, "Hubungan antara pelecehan seksual dengan kepuasan kerja dan tekanan kerja pada karyawan wanita di tiga universitas negeri kawasan Lembah Klang, Malaysia," *Psikologia-online* 2012 7, no. 1 (t.t.): 1–13.

dominant caused they felt more power from aspects of sexuality, whereas the women have personalities and characters a friendly person, stylish, and graceful.

G. Policy as a Social Tool for Community Control

The policy as the effort of the government to give legal certainty can be called a law rule, which is based on Satjipto Rahar that law can be functional as a control social tool to influence people to act one way suit with the hope of community which can run by many ways. (Satjipto Rahardjo, 1973: 122) this matter is in line with what is said by Steven Vago that "*Social Control refers to the process and method used by members of a society or a group maintain social order by enforcing approved behavior*" this means that social control is more aimed at the processes or ways/mechanisms used by society to ensure its adjustment to existing norms, where this mechanism is referred to as a social control mechanism. (Steven Vago: 1981: 57)

Process social control can be done in ways as follows: (Sarjono Soekanto, 2001: 227):

- a. Persuasive is without coercion, as teaching, invites through the socialization process. This way more preventive for happen disturbances in harmony in society.
- b. Coercive, namely by coercion/violence, this method is more repressive in the form of imposing sanctions on residents who violate/deviate from the applicable rules.

Therefore can be told that the *main purpose* will achieve with there are process social control is to achieve harmony in society and harmony will create a

state condition of peace, justice, and order. (Donald Black, 1976: 105)

The law also becomes a tool to drive change in society (*Law as a tool of Social Engineering*). C.J.M. Schuyt's law meaning *social engineering* can be told very adequately, according to him a constitution is a tool used by people or institutes to try to create specific conditions in society or to control a condition.

Along with time a society usually feels a change, firstly people give the opinion that change is natural and happen by itself, but after research continued got a fact that change in society can be planned by a group or institute. The way to influence a change in society do by a system that is organized and planned in advance which is called *social engineering or social planning*.

Soerjono Soekanto stated that the law maybe can be used as a tool by an *agent of change* which is a someone or group of people who get believe society is a leader society institutes to do changes. (Soerjono Soekanto, 1986: 61) the law also builds up new behavior in society. Therefore, we understand the role that is done by law to create a change in society directly or indirectly. (Satjipto Rahardjo, 1980: 114)

CHAPTER III

RESEARCH METHOD

A. Research Approach and Types of Research

The comparative research approach of affirmative solutions to sexual violence in higher education was carried out using a qualitative approach. Types of phenomenological research. Phenomenological research seeks to understand the meaning of events and their relation to people who are in a given situation.⁶⁸ This Research explains the phenomenon of sexual violence prevention between two countries those are Indonesia and Malaysia in depth and analyzes its relationship with the academic community on colofges which are the object of research. The result of this research presents a sexual violence prevention design by adapting from existing policies on the campus of state Islamic universities in Indonesia, both those who already have a Rector's Decree on Sexual Violence Prevention and those who do not yet have one, as well as state universities in Malaysia that already have regulations on sexual violence prevention in universities. In addition, it also explained how the knowledge, attitude, and practice of students at the university.

B. Subject of the Research

The subject of this research is Islamic Universities In Indonesia and Islamic Universities in Malaysia. The Determination of research subjects is carried out by purposive sampling. The thing that is taken into consideration in determining the subject of this study is Islamic universities that have and do not have a Rector's Decree on the Prevention and Prevention of Sexual

⁶⁸ Lexy J Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2021), 17.

Violence in Higher Education with consideration of regional representatives in Indonesia. Based on the results of the researcher's initial search on the subject, the subject of research was obtained as:

This research subject is Islamic state university in Indonesia and Islamic University in Malaysia. Determination of research subject do with *purposive sampling*. The case to be consideration into determination of research subject is Islamic state university have and do not have rector's decree about prevention and control of sexual violence in University with consideration of regional representative in Indonesia. Based on result of researcher initial search on subject so obtained research subject as follows:

1. The university in Indonesia that has policy prevention and handling of sexual violence is UIN Gus Dur Pekalongan, IAIN Mero Lampung, IAIN Ponorogo and IAIN Kediri, UIN SAIKU Purwokerto.
2. The university in Malaysia is Science university Malaysia. Consideration that in this university is one of University state in Malaysia that has regulation prevention of sexual violence in the University.

C. Research Data Sources

Based on data source be distinguished become two, those are primary data sources and secondary data sources

1. Primary Data Source

Primary data source is data source where the researcher will search and get directly from subjects related with this research focus. Primary data source will produce primary data both in the form of information and data source. In this research, primary data source is meant policy makers started from the rector, coordinator of Center for Gender and Child and students from university which exists in Malaysia and Indonesia.

From primary data source the researcher got an information about policy prevention of sexual violence in the university through various aspects are knowledge, attitude and practice of the academic community about existence policy prevention, handling of sexual violence, leader response and academic community related sexual violence that happened in the university.

2. Secondary Data Source

Secondary data source in this research is got from library sources as regulation and policy about prevention and handling of sexual violence in Indonesia especially in university, the theory about victim protection, and journal articles have closely related to the focus of research discussion. From data source the researcher will get data and will do as analysis tool into sharpen the discussion of research theme.

D. Data Collection Techniques

Data collection techniques do through questionnaire, interview, documentation and focus group discussion. The questionnaire used to get the data about knowledge, attitude and academia community action on policy prevention and handling of sexual violence in university, the questionnaire given to academia community. The interview doing with several informants into this thing is policy makers in research location university in Indonesia or Malaysia that have an information about granting access, increased participation, control and acquisition benefit from prevention and handling of sexual violence. Apart from interview, the researcher also collecting data with doing analyze search documents about policy prevention and handling of sexual violence in the university.

The data which obtained from documentation technique that form raw data long details. Focus group

discussion doing the researcher with policy makers to do document clarification so it happened same interpretation between researcher with university side as the owner of the policy document.

1. Questionnaire

Research questionnaire consist of three questionnaire types. Those are questionnaire of knowledge of the academic community, attitude of academica community and practice of academica community related with prevention and handling of sexual violence in the university. The questionnaire developed from concept as follows

- a. Knowledge is capacity for obtain, maintain, and use an information; mixed understanding, experience, sharpness and skill. This research, the researcher will explore the understanding of the academic community about prevention and handling of sexual violence in the university.
- b. Attitude is referring attitude on the tendency to react in a certain way to a particular situation; to see and interpret event related with specific tendency; or to manage opinion into coherent and interrelated structure. This research, researcher will measure how attitude academic community for prevention of sexual violence rule in the university.
- c. Practice, refers to way of respondent into behave through the actions of respondents in responding to a case. In this case, the researcher will measure how implement of rule and knowledge about prevention and handling of sexual violence decree in the university.

Development of question on each variable developed into Gender Analysis Pathaway framework based on four factors, namely Access, Participation, Control and Benefits

The mapping of the research questionnaire grid is as shown in Table 3.1

	Knowledge	Attitude	Practice
Access	<ul style="list-style-type: none"> ✓ The existence of a university internal regulation policy ✓ Policy components ✓ Sources of policy acquisition information 	<ul style="list-style-type: none"> ✓ Ownership of university internal rules ✓ Internal rule criteria of university 	
Participation	<ul style="list-style-type: none"> ✓ Involvement of policy makers 	<ul style="list-style-type: none"> ✓ What to do in the event of sexual violence 	<ul style="list-style-type: none"> ✓ Actions taken in the event of sexual violence against oneself ✓ Actions taken in the event of sexual violence against another person
Control	<ul style="list-style-type: none"> ✓ Conformity between policies and practices ✓ Policy alignments to victims 	<ul style="list-style-type: none"> ✓ Attitude towards victims of sexual violence 	
Benefit	<ul style="list-style-type: none"> ✓ Rights of victims of sexual violence ✓ Existence of policy implementation services 	<ul style="list-style-type: none"> ✓ Assessment of victims of sexual violence 	<ul style="list-style-type: none"> ✓ Reasons for making decisions on actions taken when sexual violence occurs on oneself ✓ Reasons for making decisions on actions taken when sexual violence occurs against others

Table 3.1 Research Questionnaire Mapping

The questionnaire arranged into question form with open answer choices so respondent can choose more than one answer which feels appropriate with what going through. In addition, the questionnaire also provides descriptive answer choices, so possible respondent for give a brief overview of the questions in the questionnaire. For clarify more answer into questionnaire that fill so the reseracher will do interview more by phone call.

Table 3.2 Question Knowledge Aspect

	Knowledge	Question
Access	The existence of the university's internal regulatory policies	Are you aware of any policies regarding the prevention and handling of sexual violence in tertiary institutions? o yes o no
	Policy Component	What components are known in the policy for preventing and handling sexual violence in University? (You can choose more than 1) o Rights and obligations of the academic community o Procedures for handling sexual violence o Sanctions oTypes of sexual violence
	Sources of policy acquisition information	Where did you find out about the university's policy regarding the prevention and treatment of sexual disorders? o Seminars, webinars, training o Dean, head of department, officials o Friends o Dema/ormawa o PSGA o Flyers/banners/leaflets o Lecturer o Other, specify
Participation	Involvement of policy makers	Do you know who was involved in drafting the Decree on the Prevention and Handling of Sexual Violence at your university? oh yes oh no If so, who was involved? o Lecturer o Students o Tendik o Other _____

	Knowledge	Question
Control	Conformity between policies and practices	In your opinion, are the practices and rules in the decree on the prevention and handling of sexual violence in your university appropriate? o Done o Not yet
	Policy alignments to victims	In your opinion, do the decrees on the Prevention and Handling of Sexual Violence take sides and provide protection to victims? o oh yes o oh no
Benefit	Rights of victims sexual violence	Do you know the various rights of victims and aggressors in cases of sexual violence? oh yes oh no If yes, state what rights the victims and perpetrators of sexual violence have (more than 1 answer can be) o The right to anonymity o The right to be heard confessions and opinions o The right to protection o The right to obtain due process of law o Other Answers _____ —
	The existence of policy implementation services	Are you aware of the existence of the Complaint Service Unit for handling cases of sexual violence in tertiary institutions? o oh yes o oh no

Table 3.3 Question Attitude Aspect

	Attitude	Question
Access	Ownership of the internal rules of the University	Do you think universities should have special regulations to deal with sexual violence? o Yes o No
	Higher education internal regulatory criteria	In your opinion, how should the rules regarding sexual violence be? (you can select more than one) o Pardon the offender o Punish and expel perpetrators from

	Attitude	Question
		college o Punish but perpetrators are still allowed to carry out their duties in tertiary institutions o Accompany, protect and listen to the voice of the victim o Other _____
Participation	What to do if sexual violence occurs	What would you do if you were a victim of sexual violence on campus? (choose more than one) o Shut up o Report the perpetrator o Tell people you trust o Other _____ — If a friend of yours became a sexual victim on campus, what would you do? o Accompanied (calming) o Assist in reporting to the complaint service unit assistance o Hiding facts for the sake of reputation o Other _____ _____
Control	Attitudes towards victims of sexual violence	What is your attitude if there is an act of blaming victims of sexual violence? o Accompanying and strengthening victims o Invite the victim to report to the authorities o Let o Others _____ —
Benefit	Assessment of victims of sexual violence	In your opinion, is being a victim of sexual violence a shame that it should be covered up? o oh yes o oh no

Table 3.3 Practice Aspect Questions

	Practice	Question
Access		
Participation	Actions taken in the event of sexual violence against oneself	Have you ever been a victim of sexual violence? oh yes oh no

	Practice	Question
		<p>If yes (you have been a victim of sexual violence), what types of sexual violence have you experienced?</p> <ul style="list-style-type: none"> <input type="radio"/> Physical abuse <input type="radio"/> Verbal abuse <input type="radio"/> Cat calling <input type="radio"/> Other, specify _____ <p>If yes (you have been a victim of sexual violence), do you know the perpetrator of sexual violence well?</p> <p><input type="radio"/> yes</p> <p><input type="radio"/> no</p> <p>If yes (you were a victim of sexual violence), who was the perpetrator of the sexual violence?</p> <ul style="list-style-type: none"> <input type="radio"/> Lecturer <input type="radio"/> Friends <input type="radio"/> Education Personnel (employees) <input type="radio"/> Other, specify _____ <p>If yes (you were a victim of sexual violence) did you report the incident?</p> <p><input type="radio"/> yes</p> <p><input type="radio"/> no</p> <p>If yes (you were a victim of sexual violence and reported it), where did you report the sexual violence you experienced?</p> <ul style="list-style-type: none"> <input type="radio"/> PSGA <input type="radio"/> ULP <input type="radio"/> KS Task Force <input type="radio"/> Lecturer <input type="radio"/> Dean <input type="radio"/> Rector <input type="radio"/> Fever <input type="radio"/> Police <input type="radio"/> Off-campus service institutions (ex: WCC) <input type="radio"/> Others _____
	Actions taken in the event of sexual violence against another person	<p>Have you ever met your friend who was a victim of sexual violence?</p> <p><input type="radio"/> yes</p> <p><input type="radio"/> no.</p> <p>If yes (you have been a victim of sexual violence), what types of sexual violence have your friends experienced?</p> <ul style="list-style-type: none"> <input type="radio"/> Physical abuse <input type="radio"/> Verbal abuse

	Practice	Question
		<p>o Cat calling</p> <p>o Other, specify _____</p> <p>If yes (your friend was a victim of sexual violence) did you report the incident?</p> <p>oh yes</p> <p>oh no</p> <p>If yes (your friend was a victim of sexual violence and reported it), where did you report the sexual violence you experienced?</p> <p>o PSGA</p> <p>o ULP</p> <p>o KS Task Force</p> <p>o Lecturer</p> <p>o Dean</p> <p>o Rector</p> <p>o Fever</p> <p>o Police</p> <p>o Off-campus service institutions (ex: WCC)</p> <p>o Others</p> <p>_____</p>
Control		
Benefit	Reasons for making decisions about actions taken when sexual violence occurs on oneself	<p>If no (you have experienced sexual violence and did not report it) what are your reasons for not reporting it?</p> <p>o Universities do not facilitate</p> <p>o Maintain the good name of the campus</p> <p>o Fear of being tarnished</p> <p>o There is no guarantee of law enforcement from universities</p> <p>o Other reasons</p> <p>_____</p>
	Reasons for making decisions about actions to be taken when sexual violence occurs against others	<p>If not (your friend has experienced sexual violence and you didn't report it) what are your reasons for not reporting it?</p> <p>o Universities do not facilitate</p> <p>o Maintain the good name of the campus</p> <p>o Fear of being tarnished</p> <p>o There is no guarantee of law enforcement from universities</p> <p>o Other reasons</p>

The questionnaire that used to digging data in Indonesia questionnaire arranged by using Indonesian language. While questionnaire for academic community in Malaysia questionnaire arranged using Melayu language and validated by Muhammad Fajri, is a Indonesia student who doing doctoral studies in Malaysia.

The questionnaire used explore data in Indonesia questionnaire arranged with using Indonesian Language. Furthermore the questionnaire for academic community in Malaysia questionnaire arranged using Malay language and validated by Muhammad

Validation that done is language validation. This validation do so that the questionnaire is easily understood by respondents. In addition to language validation, it was also carried out by Dr. Sahreza. Validation to Dr Sahreza do to term suitability adjustments that used into policy in Malaysia also names of institutions related to derivative rules at the Science University of Malaysia as research objects. The questionnaire distributed via Google Forms with the appearance as shown in Figure 3.1

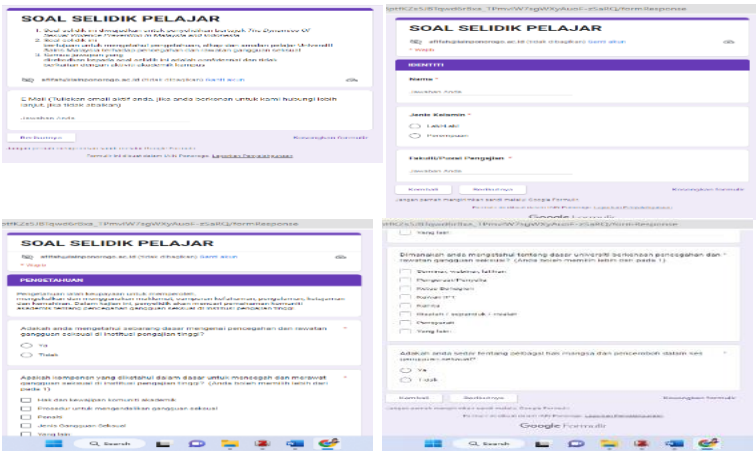


Figure 3.1 Display of the Questionnaire on Google Form for Malaysian respondents

2. Interview

Interview do for obtain qualitative data about how knowledge and attitude academic community into policy prevention and handling of sexual violence in Indonesia and Malaysia university. Transformation form viewed from the Gender Analysis Pathway framework is how the policy makers give an access for prevention and handling sexual violence, how the policy makers increase participation of academic community into prevention and handling of sexual violence, how the policy makers doing control for prevention and handling of sexual violence, and how the policy makers give benefit on every policy that be produced to prevention and handling of sexual violence.

3. Focus Group Discussion

Focus Group Discussion in this research purpose to explore a problem of prevention and handling of sexual violence more specific. FGD do to avoid Misinterpretation of documents owned by university so reduce subjectivity of interpretation by researchers. Focus Group Discussion (FGD) will do with PTKIN leader with highest sexual violence case and Ministry of Religion (Kemenag) and Komnas Perempuan. This Focus Group Discussion to find policy model which in accordance with the PTKIN characteristic in Indonesia. Moreover, will do Focus Group Discussion with expert judgement from Malaysia.

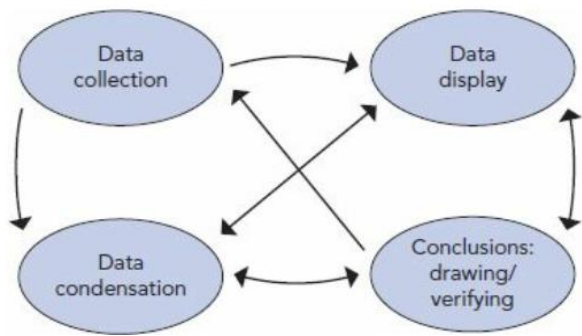
4. Documentation

Data collection through documentation do with inventory documents related to university efforts into do prevention and handling of sexual violence in university. Document form that researcher explore in the process of this research, form prevention and handling of sexual violence rule in Malaysia

university, prevention and handling of sexual violence rule in Indonesia is TPKS Law Number 12 of 2022, regulations at the ministry of religion level such as SK Director General Number 5494 of 2019 which was later confirmed to become Regulation of the Minister of Religion Number 73 of 2022 and legacy policy in university form rector's decree about prevention and handling of sexual violence, Standard operational procedures for the implementation of the Chancellor's Decree, and other derivative regulations.

E. Data Analysis Technique

Data analysis into this research is Miles concept, Huberman and Saldana who showed that activity into analysis qualitative data do by interactive and continued in every step of research, until complete with saturated data. Data condensation, data presentation, and data verification are three activities that are carried out simultaneously.⁶⁹ The data analysis scheme is shown in Figure 3.2



Gambar 3.2 Componen of Data Analysis : Interactive Model Miles, Huberman dan Saldana⁷⁰.

⁶⁹ Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook* (California: SAGE Publications, 1994), 31.

⁷⁰ Matthew B. Miles, A. Michael Huberman, And Johnny Saldaña, 33.

Condensation data do by choosing, purging, simplifying, abstracting and transforming data that gotten from interview result suitable with focuss of research that done by policy makers for the prevention and handling of sexual violence according to knowledge, attitude and practice academic community. Presentation of data is done by describing the results of interviews, FGD reviews the documents obtained accompanied by support for the results of the questionnaire analysis. Verivication and data conclusion done by the discussion of the discussion is in accordance with the formulation of the research problem, namely the description of knowledge, attitude and practice of the academic community also transformation policy of preventing sexual violence in University in Indonesia and Malaysia.

F. Data Validity Checking Techniques

Data validity checking techniques that used into research using Triangulation. In Moleong's view, triangulation is data validity checking techniques that benefit other something out of that data to needed a checking or as comparison validity. Triangulation with data sources is done by comparing data from questionnaires, interviews and documentation as well as in-depth discussions in focus group discussions in Thus what is obtained from sources that can be verified when compared to similar data obtained from other different sources.

CHAPTER IV

RESULTS AND DISCUSSION

A. Existence of Policies on the Prevention and Handling of Sexual Violence in Malaysia

An escalation of sexual harassment in schools and on campuses cannot be denied. The range of sexual harassment reported within an academic setting is alarming. The examples of the sexual harassment conducts includes, sexual comments, jokes, gestures or looks; touching, grabbing or pinching in a sexual way; making sexual rumours spread about another; intentionally brushing up against another in a sexual way; blocking another in a sexual way; showing, giving or leaving sexual pictures, photographs, illustrations, messages or notes; the clothing of the victim pulled off or down in a sexual way; forcing the victim to kiss someone; had sexual messages written about another on public walls; forced to do something sexual other than kissing; spied on while dressing or showering, to mentioned but a few. Further, more girls are reported to have experienced sexual harassment as compared to boys and it does impact their school performance, such as a difficulty of concentrating in their studies, fear and lower self-esteem, among others.⁷¹

There are few existing guidelines in combating sexual harassment such as the criminal law. The Penal Code makes provisions for the offences of assault (section 351), outraging of modesty (section 354), rape (section 376), outraging of decency (section 377-D), criminal intimidation (section 503) and using words or gestures to insult the modesty of a woman (section 509). Specifically,

⁷¹ Ashgar Ali Ali Mohamed, "Sexual Harassment In Malaysian Educational Institutions: Causes And Solutions," *Ijasos- International E-Journal Of Advances In Social Sciences* 1, No. 1 (April 18, 2015): 18, <https://doi.org/10.18769/Ijasos.38340>.

section 509 states: “Whoever intending to insult the modesty of any woman, utters any words, makes any sound or gesture or exhibit any object, intending that such word or sound shall be heard, or such gesture or object shall be seen by such woman, shall be punished with imprisonment for a term which may extend to 5 years or with fine or with both”. Despite postulation for the severe punishment for sexual assault in the Penal Code, the recent research finding have shown that there is high rate of the students’ experience of sexual harassment in various schools and institutions of higher learning in Malaysia which have a tendency of causing long term psychological disturbances to the victims.⁷²

Many schools and universities in Malaysia generally do not have a specific policy and procedure on sexual harassment, in many universities in the country however, sexual harassment would constitute a breach of the internal University Disciplinary Rules, and as such, it would be sanctioned. The above is discussed below with reference to the *International Islamic University Malaysia, University Malaya, and University Sains Malaya*.

1. Rules for the Prevention and Handling of Sexual Violence in Higher Education Institutions at the International Islamic University Malaysia (IIUM)

The International Islamic University Malaysia (IIUM) Student’s Discipline Rules 2004 contain provision on sexual misconduct. For example, rule 30 provides: “No person not being a mahram shall within or outside the University, engage in any kind of sexual conduct with any member of the University or visitor to the University which may also include other serious or persistent unwanted sexual contact or conduct, such as

⁷² Mohamed, 18.

harassment, threats, intimidation or unwanted touching or fondling.” Similar provision involving employees of IIUM is found in the Staff Disciplinary Rules 2005 (Amendment 2012). Cases involving sexual misconduct among students will be tried by the Domestic Inquiry (tribunal) which will hear the charge and make its recommendation to the Student Disciplinary Committee which will then decide whether to accept, vary, or decline the recommendation made by the panel of the Domestic Inquiry (D.I.). Aside from the above, although IIUM has not adopted any specific policy on sexual harassment in campus, nevertheless there are certain codes of conduct in place which can serve as measures to control incidents of sexual harassment in the said institution. These measures are as follows:

1) Dress Code

The University has prescribed a dress code standard for female and male students. The sample of this dress code is pasted or placed in strategic places on the campus. As noted earlier, one of the causes of sexual harassment is physical attraction. It is therefore necessary for the University authority to put in place a mechanism for guiding student’s dress code. Vigorous enforcement of the dress code is necessary to ensure that incidents of sexual harassment do not occur.

2) Sitting arrangement

It is common practice in IIUM to separate the sitting arrangement of gender both within and outside classrooms. It is customary in the classroom, conferences, and training programme to divide the sitting arrangement of both sexes. This sitting arrangement would be able to minimise incidents of sexual harassment besides encourage concentration and attention in classroom.

- 3) Minimization of privacy An environment or school setting characterised with so much privacy offers a better prospect for harassment because it may be difficult to observe and notice unwanted advances.

Thus, it has been projected that an environment with extremely private settings is more likely to encounter harassment than those with more open environments. There is a dichotomy between privacy and making the work environment open. Everyone has the right to his or her privacy without interference. However, the university environment is made open for students and staff to view without necessarily interfering with a person's privacy. For instance, offices and public places in IIUM are built or constructed with translucent glasses easily viewable from outside. This may serve as a check on an erring staff member or student and prevent unnecessary abuse. Also, it is customary to see security personnel especially at night patrolling the campus. In a situation where discrete mixing is taking place, the involved persons may be separated or other measures may be taken depending on the nature of seclusion and what they are doing at that moment.

- 4) Installation of closed circuit television (CCTV)

This is another instrument put in place to curb unlawful activities, especially sexual harassment on campus. CCTV has a psychological effect on the attitude of the student. They are installed in strategic places on campus and capable of exposing ill act of students and staff. This has gone a long way to control indecent attitude on campus and checkmate the behavioural pattern of students and staff. Where this is truly functioning, act of sexual harassment

can easily be noticed and appropriate measure can be subsequently taken against it.

2. Prevention and Handling of Sexual Violence in University Of Malaya

In an attempt to create a safe and healthy working environment for students and staff, the University of Malaya in 2008 issued a hand book titled Code of Practice on the Prevention and Handling of Sexual Harassment Cases in the University. The university has also established the Sexual Harassment Complaint Bureau to support UM community who need help in handling the sexual harassment issues.

The power of the Bureau is to investigate and take appropriate measures against the harasser. The Code identified various forms of harassment such as verbal, non-verbal or physical kind. The Code proves that the UM commitment is committed in nurturing an environment that is free from sexual harassment. The Code has specified the procedures of complaints against sexual harassment within the campus which are highlighted below: The complaint is to be made by completing the sexual harassment Form for lodging a complaint within legislative and common law framework of Malaysia such as sexual assault and molestation. Complaint not made through the prescribed form may still be attended to by the Sexual harassment Complaint Bureau so as to relieve the complainant of sexual harassment burden.

The complainant will be advised by the Bureau as to the appropriate actions to be taken. The Bureau will in the case of formal complaints, carry out investigations to obtain important information as follows:

- a. clarification on sequence of events;
- b. parties involved; (iii) the time it happened;
- c. whether the offence was committed for the first time or a repeated offence;
- d. whether any physical evidence available regarding the incident;
- e. witnesses, if any, that could corroborate the incident; and
- f. whether the incident has been reported to a third party. The tardiness to lodge a report/complaint or the lack of physical evidence of a struggle should be held against the complainant. The evidence gathered by the Bureau will determine the appropriate steps or measures to be taken.

The suspected offender will be given the right to make his defence. That is, he or she will be given the opportunity to explain and clarify the sequence of events. The essence of this is to ensure a fair trial. There are a few possibilities of findings by Bureau which may include: dismissing the complaint as being baseless; a solution without official action taken against the offender and with the agreement of the complainant; or a finding that the complaint is viable or has really occurred. Where the complaint was established, disciplinary action will be taken against the harasser as follows:

- a. where the harasser is a staff member of the university, such a person may be reprimanded, fined, salary movement withheld, demotion, or dismissed from employment;
- b. where the harasser is a student, such student may be warned, fined, prohibited from entering any part of UM campus, suspended from studies in UM, or expelled from UM; and

- c. where the harasser is an outsider, the person may be prohibited from dealing with UM community members or prohibited from entering any part of UM campus.

Where the allegation of sexual harassment is found to be baseless, suitable compensation may be considered for the person wrongfully accused. It needs to be mentioned that apart from the procedures set out in the Code to address incidents of sexual harassment in the campus, the University has introduced a Special Committee on Sexual Harassment. The sole task of the Committee is to create awareness on the campus as to the evil effects of sexual harassment and educate the students of their rights in the event it does occur.

The Committee is required to train suitable students and staff of the University with counselling skills to assist those who have become victims of sexual harassment. It is also expected of the Committee to publicise information regarding the existence of the Code of Practice for Prevention of Sexual Harassment in University Malaya. With the adoption of the policy on sexual harassment as above, the University has proven its seriousness in addressing this issue. This is aThe suspected offender will be given the right to make his defence. That is, he or she will be given the opportunity to explain and clarify the sequence of events.

The essence of this is to ensure a fair trial. There are a few possibilities of findings by Bureau which may include: dismissing the complaint as being baseless; a solution without official action taken against the offender and with the agreement of the complainant; or a finding that the complaint is viable or has really occurred. Where the complaint was established,

disciplinary action will be taken against the harasser as follows:

- a. where the harasser is a staff member of the university, such a person may be reprimanded, fined, salary movement withheld, demotion, or dismissed from employment;
- b. where the harasser is a student, such student may be warned, fined, prohibited from entering any part of UM campus, suspended from studies in UM, or expelled from UM; and
- c. where the harasser is an outsider, the person may be prohibited from dealing with UM community members or prohibited from entering any part of UM campus. Where the allegation of sexual harassment is found to be baseless, suitable compensation may be considered for the person wrongfully accused. It needs to be mentioned that apart from the procedures set out in the Code to address incidents of sexual harassment in the campus, the University has introduced a Special Committee on Sexual Harassment.

The sole task of the Committee is to create awareness on the campus as to the evil effects of sexual harassment and educate the students of their rights in the event it does occur. The Committee is required to train suitable students and staff of the University with counselling skills to assist those who have become victims of sexual harassment. It is also expected of the Committee to publicise information regarding the existence of the Code of Practice for Prevention of Sexual Harassment in University Malaya. With the adoption of the policy on sexual harassment as above, the University has proven its seriousness in addressing this issue. This is a good and commendable step which should serve as an example to other institutions of

higher learning to take similar pragmatic steps and measures towards the prevention of sexual harassment in their respective environment.

3. Rules for the Prevention and Handling of Sexual Violence at the University of Science Malaya (USM)

USM academia believed that sexual harassment was partially attributable to the actions and responses of the victims. Since then, very few studies, mostly unpublished, on sexual harassment in Malaysian universities can be found, thus, it is difficult to gauge the problem and issues surrounding it in the Malaysian tertiary education institutions.⁷³ Universiti Sains Malaysia have reasonable understanding about sexual harassment issue female employees have had more encounters with sexual harassment in the workplace compared to men.

However, the experiences of sexual harassment amongst men cannot, on the other hand, be ignored. Reports of sexual harassment on campus indicate that the safety of education institutions and its students are in threat. Knowledge about sexual harassment is important for employees to be able to understand what she/ he is experiencing and to give her/ him courage to seek intervention from the employer. To this end, regular awareness training for different categories of staff are crucial. institutional policies and grievance procedures on sexual harassment will greatly facilitate victims' access to justice in sexual harassment cases. An intervention at the national level to the issue of sexual harassment is also needed so that law, policies

⁷³ Noraida Endut Et Al., "Understanding And Experiences Of Sexual Harassment Amongst University Students: A Case Study Of Undergraduates In Universiti Sains Malaysia," N.D., 3.

and strategies to deal with it in different categories of workplace and spaces can be developed.⁷⁴

B. Prevention and Handling of Sexual Violence rule in Indonesia University

Sexual violence in University has enter on acute level⁷⁵ So, one of step to suppress and reduce the number of violence in the university can overcome with give legal certainty and justice through the formulation of policies on the prevention and control of sexual violence in tertiary institutions.

Talk about existence prevention and handling of sexual violence rule in Indonesia university can not released with background of history birth of the rule. Such as mentioned into annual record of komnas perempuan about sexual violence data that happened in university which becomed as sociological and empirical reason importance of existence prevention and handling of sexual violence rule in Indonesia university.

In Indonesia, existence rule of law for sexual violence victims as like climbing a ladder slowly, where on lowest ladder the existence rule of law that give partiality in the protection and assistance of victims is still very minimal. Just say it KUHP that known is law source materialy become strong basic to do prevention and handling of sexual violence through criminal sanctions, not capable yet advocate for victims and give safety for victims because KUHP more put forward perpetrator punishment aspect. Even perpetrator punishment still

⁷⁴ "Proceedings_Of_3rd_Kanita_Postgraduate_I.Pdf," 230, Accessed April 14, 2023, Http://Kicgs.Usm.My/Images/Paper/Proceedings_Of_3rd_Kanita_Postgraduate_I.Pdf#Page=224.

⁷⁵ Ulfah Fajarini, Nurul Handayani, "Human Geografi Dan Pelecehan Seksual Terhadap Perempuan Di Perguruan Tinggi Keagamaan Islam Negeri," *Jurnal Harkat;Media Publikasi Gender* Vol 17, no. 1 (Januari 2021): 49–26, <https://doi.org/10.15408/harkat.v17i1.22135>.

based on the judge's interpretation on law fact and proven event into the judge process without attention psychological condition of the victim. That thing has potention on victimization of victims and secondary victims.

At the level of statutory regulations both in the form of laws and other implementing regulations, not exist yet specifcly manage about prevention and handling of sexual violence. This condition become yuridical reason about weak protection law from sexual violence victims who perspective victims.

On sociological considerations basic and yuridical so on Mei 2019, Komnas Perempuan cooperate with two Ministry of Religion held a consolidation with a number of PSGA-PSGA Islamic Religious University (PTKI) and have produce roadmap mechanic of prevention and handling violence for woman in PTKI as conclusive evidence of government response on incident sexual violence cases in university, roadmap throughout this 2019-2023 was action plan or framework to prevent extent violence for woman and response cases that happened in university environment. Aspect that covered into roadmap includes prevention such us with do creative and educational campaigns about sexual violence and issue policies that can becomed legal protection to do prevention and handling victims case of sexual violence in invironment PTKI.

One of important follow up plan is doing case data tabulation which happen in PTKI university as consideration basic for impotance of The Ministry of Religion issues a policy on prevention and handling of KtP/KS at PTKI. On 1 october 2019 the Decree of the Director General of Islamic Education 5494 of 2019 was born concerning Guidelines for the Prevention and Management of Sexual Violence in Islamic Religious

Higher Education (PTKI). This decision is a concrete manifestation of the commitment of the Directorate General of Islamic Education and PTKI extended family throughout Indonesia to be able to provide treatment that upholds human values and norms of decency and good morals, beside participate actively do prevention, education, and advocative for sexual violence practices.

The exsistence of Decree of the Director General of Islamic Education 5494 of 2019 concerning Guidelines for the Prevention and Management of Sexual Violence in Islamic Religious Colleges (PTKI) become strong reason for push university arrange implementing regulations at the tertiary level through a Chancellor's Decree.

Based on data that successful the researcher collecting from leader of the PSGA PTKI forum, state that there are 26 PTKIN from 58 PTKIN that have Chancellor's Decree regarding the prevention and control of sexual violence on university. Based on determination research subject as primary data source, the researcher will narrate the results of the interviews that the researchers conducted with the PSGA chairmen who were factual become leading sector of prevention and handling of sexual violence. From 26 universities will the researcher narrate the data (5) five PTKIN that become research sampling. Five PTKIN are IAIN Metro, IAIN Ponororo, IAIN Kediri, UIN Gusdur Pekalongan, UIN Samarinda, dan UIN Suska Riau Pekanbaru.

In order to formulate prevention and handling of sexual violence in the PTKIN, several universities use amount first step become strong basic to becomed important reason why rector's rule about the important prevention and handling of sexual violence.

In the result of researcher interview with one of drafting team of the chancellor's decree at IAIN metro explain that simple research that packed into google form

become strategy step PSGA IAIN Metro for push formed rector's decree. Based on data PSGA IAIN Metro arrange simple narration that strengthened by quantitative data of knowledge about sexual violence and all forms and students experience about incident of sexual violence that seen listened or experienced alone.⁷⁶

The next strategic step is with build joint movement with policy makers in the field of student affairs, whether the third vice chancellor, deputy dean three that continued with meeting with student council administrators at the institutional and faculty levels. The result of meeting strength the argument PSGA so that leader of university agreed planning form rector's decree about prevention and handling of sexual violence in the IAIN Metro. So formed the drafting and drafting team of the Chancellor's Decree which since October 2020 has been working on and discussing the draft Chancellor's Decree on PPKS.

Before rector's decree IAIN Metro about PPKS be signed, Mufliha wijayati as chief PSGA was held a Rector Decree Dissemination event on PPKS in December as public feasibility test steps Chancellor's Decree on PPKS to all IAIN Metro academic community with presenting the Commissioner for Women's Protection Prof. Alimatul qibtiyah as an external discussant. On June 2021 Rector Decree officially signed by the Chancellor of IAIN Metro with Decree Number 208 of 2021

Step that did by PSGA IAIN Metro, adopted by PSGA UIN Suska Riau is do deployment questionnaire to all academic community about understanding, knowledge and experience about sexual violence they felt, seen, and listened. Socialization The Director General's Decree Number 5494 of 2019 was also carried out by the

⁷⁶ Wawancara Dengan Salah Satu Tim Penyusun Sk Rektor Damn Ketua Psqa Pada Desember 2022

Chairperson of the PSGA UIN SUSKA Riau, it is done as a real manifestation of UIN SUSKA Riau's partiality on prevention and handling of sexual violence in university. Then, Mustiqowati as chief PSGA expelain.

In UIN Gus Dur Pekalongan birth rector's decree about PPKS even earlier than IAIN Metro, with signed Rector Decree Number 773 of 2020 so UIN Gus Dur Pekalongan juridically has a strong legal umbrella to prevent and deal with sexual violence.

Chief of PSGA UIN Gus Dur, Ningsih Fadilah state that a good university not only visible in the physical appearance of a university, good university is university that can give safety, peace emotionally and spiritually without exsist intimidate dan sexual violence into process of implementing education.⁷⁷ Real steps Ningsih fadilah into implementation prevention of sexual violence into education and teaching process is through commitment lectures to follow overseeing and creating a gender responsive and zero tolerance university for build handling and prevention of sexual violence structure that strong in university so formed ULT of sexual violence team with rector decree Number 74 of 2020 about SOP prevention and handling of sexual violence then followed up by carrying out capacity building for the Integrated Service Unit (ULT) team.

Center for Gender and Child Studies, Saizu State Islamic University Purwokerto, has implementation Rector Decree Director General of Islamic Education No 5494 of 2019, although not all. Rector Decree Number 5420 of 2020 about prevention and handling of sexual violence in Saizu State Islamic University Purwokerto. Moreover, PSGA with related parties have formed an Integrated Service Unit (ULT) do socialization process, enforcement

⁷⁷ Wawancara Dengan Ketua Psga Uin Gus Dur Pekalongan, Ningsih Fadilah Pada Januari 2023

and recovery, explained Vivi Ariyanti as Chair of the PSGA UIN Saizu Purwokerto.

In 2021 IAIN Kediri successful birth Rector Decree Number 345 of 2021 about PPKS as follow up step on existence director general decree Number 5494 of 2019. Rector of IAIN rule Kediri then sosialisasi to all academic community. In the same year Center for Gender and Child Studies Ponorogo State Islamic Institut, successful out exist regulation Rector Number 1 80 of 2021 about prevention and handling of sexual violence on IAIN Ponorogo.

From five universities which successful the researcher interview, state that substance Rector Decree about prevention and handling of sexual violence in collage they still based on the Decree of the Director General Number 5494 of 2019 and based on aspect form of action.⁷⁸, handling, prevention, advocad and victim protection and existence service unit in charge of receiving complaints, providing assistance services for victims and playing a role in handling perpetrators.

In handling, all PTKI entrusted to give money flexible space and safe to victims so clear principles and standards are needed as a basis in implementation of mechanisms for dealing with victims of sexual violence. This principle and standart should fulfilled into victims handling and obeyed by all side. Principle and standart

⁷⁸ Ditetapkannya bentuk-bentuk kekerasan seksual dalam aturan pencegahan dan penanganan kekerasan seksual dalam SK dirjen Maupun SK rektor mendasarkan pada adanya/ terjadinya bentuk diskriminasi yang secara serius menghalangi perempuan untuk menikmati hak-hak dan kebebasannya atas dasar persamaan hak dengan laki-laki. Hal tersebut menegaskan bahwa tindak kekerasan berbasis gender sebagai tindak kekerasan yang secara langsung ditujukan kepada perempuan karena ia berjenis kelamin perempuan atau memberi akibat pada perempuan secara tidak proporsional. Termasuk di dalamnya tindakan yang mengakibatkan kerugian atau penderitaan fisik, psikis, dan seksual atau ancaman, pemaksaan dan bentuk-bentuk perampasan hak kebebasan lainnya

woman handling of victim sexual violence as narrated into The Decree of the Director General and the Decree of the Chancellor of the five PTKIN are:

- a. Handling related with form and violence type.
- b. Participation of victims (respect the victim's choices and decisions)
- c. Keep victims secret.
- d. Not judging
- e. Based on the theology of empowerment and protection.
- f. Non discrimination
- g. Gender-equitable
- h. Sustainable
- i. Empathy

Handling principle when reviewed based on legal principles⁷⁹ is the embodiment of the principles of material law in formulating a rule. The legal principles are:

- a. Protection principle and Humanity, are principle that describe about protection which addressed on law subject who managed into a regulation. This principle clearly described in handling principle according to the nature of the crime, protection principle, the principle of keeping the victim's secret. Implementative, all of the Rector Decree about prevention and handling of sexual violence has formulating principles strickly. As faced by Mustiqowati that give correct handling is step that can not avoid in providing assistance to victims, because each victims will face and experience a

⁷⁹ Asas hukum merupakan dasar atau pondasi dari lahirnya peraturan hukum. Maka keberadaan asas tidak dapat dinafikan dalam proses pembentukan aturan hukum. Asas hukum ini akan terurai dalam prinsip-prinsip yang menjadi standar penanganan maupun pencegahan kekerasan seksual dalam SK Dirjen nomor 5494 tahun 2019 maupun SK Rektor di PTKI sebagai payung hukum pencegahan dan penanganan kekerasan seksual di perguruan tinggi keagamaan Islam

different situation.⁸⁰ Similarly, explanation which be delivered by Miss Sarju as leader Rector Decree very persistent. She delivered that right handling on sexual violence victims is first step into give protection on victims, other than that, keep victim's secret is step that should do for give safety and peaceful for victims from pressure.⁸¹

- b. Justice principle is a principle which give benefit guarantee or certainty for subject that arranged into a regulation. This principle is a philosophical principle that standard for measuring benefits and certainly a regulation. This principle of course reflected in all the regulated principles into Rector Decree about prevention and handling of sexual violence in university. Victims participation is the principle that guaranted by Rector Decree, this principle give a space and access for victims to give information or evidence on all things experienced and without discriminating against victims. The principle without discrimination of victims also is important principle into accompany of victims, because on several case happened, the victims often feel intimidated and do not have right for speak up on incident that experience.
- c. Benefit principle is principle that reflect value usability of existence a regulation. This principle into Rector Decree in PTKIN, because on essence of existence of Rector Decree should get felt the existance for all of the law subject that arranged.

⁸⁰ Wawancara dengan Mustiqowati selaku kepala Pusat Studi Gender dan Anak UIN SUSKA Riau pada Desember 2022

⁸¹ Wawancara dengan ibu Sarjuningsih , Kepala PSGA IAIN Kediri periode 2017-2021 pada 30 Desember 2022

C. Dynamics of Internalization of the Decree of the Director General of Islamic Education No. 5494 of 2019 in Islamic Religious University

On his way, in several university have approve Rector Decree about prevention and handling of sexual violence face several different situation. Based on interview result of researcher with five PSGA University, the researcher found several different situation. In IAIN Metro, after approved Rector Decree about prevention and handling of sexual violence drawn several situation as form of response from the academic community. That response as start There have been complaints from students in several faculties on sexual harassment that experienced However complaint do to the head of the department or the dean does not go to PSGA or ULT as unit which is normative into Rector Decree as institution that will provide services for complaints made. On this situation show that existence Rector Decree can open an access and participation of academic community to follow become part into prevention and handling of sexual violence happened.⁸²

Likewise felt by PSGA UIN SI Samarinda which feel positive impact with legalization Rector Decree of prevention and handling of sexual violence. The students want voiced to convey acts of sexual harassment that have been felt so far. Even if it's only that, chief PSGA UIN SI Samarinda very confident that existence of Rector Decree can help PSGA and all team act to prevent acts of sexual violence on university. Until now, PSGA UIN SI still will work on formation ULT as important institution into prevention and handling process of sexual violence.⁸³

⁸² Wawancara dengan Mufliha Wijayati Kepala Pusat Studi Gender dan Anak IAIN Metro pada tanggal 29 Desember 2022

⁸³ Wawancara dengan Diajeng selaku kepala PSGA UIN Samarinda pada 6 Januari 2023

Increasing of knowledge and understanding academic community about sexual violence form So far, it has been considered normal by the academic community also become response which emerged after the ratification of the Chancellor's Decree at UIN Gus Dur Pekalongan and UIN Suska Riau. The example is about form the act of cat calling which is often normalized by the academic community. The sexual harassment depicting women's bodies in the form of pictures began to subside along with the implementation of the rules on sexual violence.

In the explanation, Ningsih Fadilah explain that existense Rector Decree certain not only one regulation that can prevention and preasure number of sexual violence, needed regulation more for strengthening its implementation both institutionally and operationally. The regulation that meant is regulation that manage about formulating Integrated Service Unit (ULT) and SOP as service standards that must be carried out by ULT institutionally.⁸⁴

ULT is one of institution which present in order to meet established service standards according to need comprehensive treatment for victims of sexual violence. For the reason, next step that did by UIN Gus Dur Pekalongan and IAIN Metro is held a program capacity building for the ULT team. Capacity building all manager do to give ammunition for ULT team start form aspect managemen until on aspect perspective which responsive gender to be on the side of the victim.

Dalam pengelolaan ULT, sejauh ini belum ada praktik ideal untuk dalam menjalankan ULT mulai dari penganggaran, monitoring, dan tata kelola. Di beberapa kampus, demikian yang di jelaskan PSGA UIN K.H. Abdurrahman Wahid Pekalongan dan IAIN Metro, In ULT management, so far not exsist yet ideal practice for

⁸⁴ Ningsih Fadilah, 30 Desember 2022

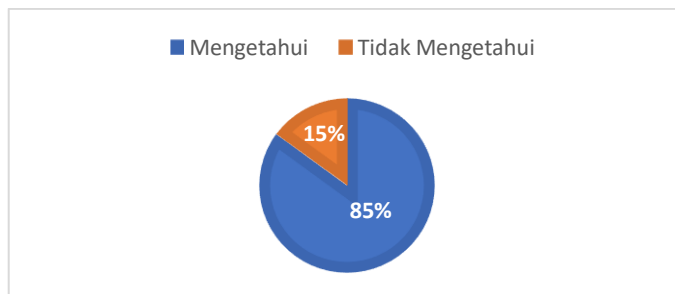
into running ULT starting from budgeting, monitoring, and governance. In several universities, then explained by PSGA UIN K.H. Abdurrahman Wahid Pekalongan and IAIN Metro, ULT exist under coordination of rector, as ULT in the UIN Sunan Kalijaga Yogyakarta.

On the implementation from five PTKIN still find several barriers both structurally, substance and culture. So that, first step that did is on prevention aspect through sosiasalization in process introduce academic culture of university for new students, signing of the integrity pact by the lecturers and holding activities that integrate steps to prevent and deal with sexual violence.

D. Analysis of Knowledge of the Academic Community on Efforts to Prevent Sexual Violence in Malaysia

Knowledge for Attitude and Practice of students about this Survey did for 86 students which exist in the three universities become research subject in Malaysia is International Islamic University Malaysia, University of Malaya dan University Sains Malaya.

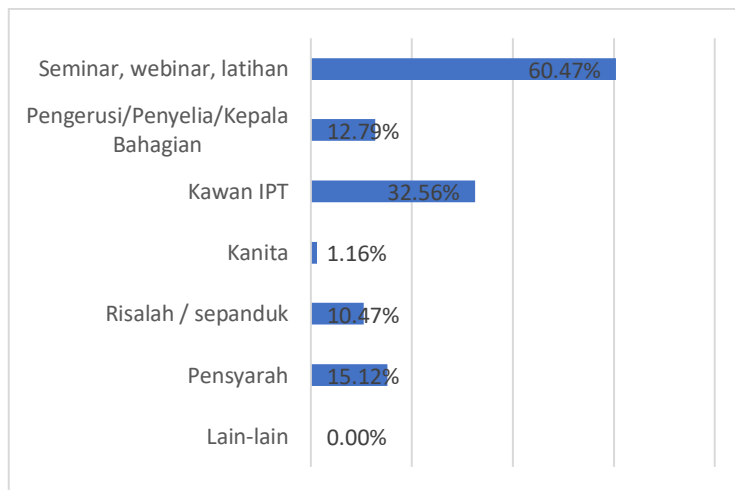
From collecting data result which researcher got, knowm that 85% from 86 students three universities in Malaysia knowing about sexual violence than 15% answer do not know. Knowledge in this thing only term sexual violence with limited known forms of sexual violence. This data known from survey result as follows



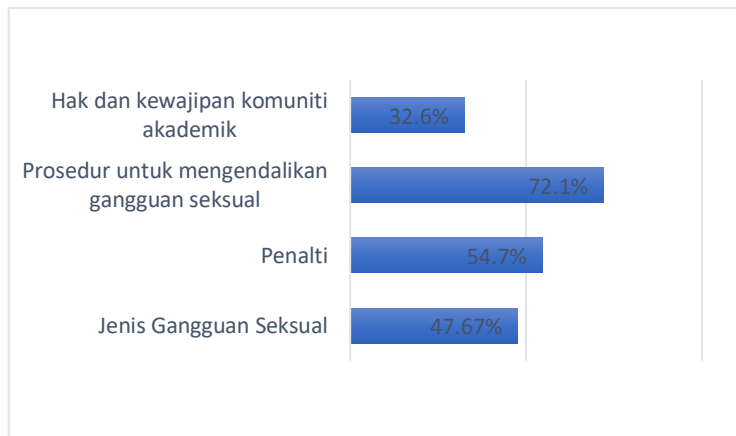
Rule about prevention and handling sexual violence in Malaysia university has different form. In IIUM example, prevention of sexual violence arranged into Student's Discipline Rules 2004 into articles. Then in Malaya Univeristy (UM), prevention of sexual violence arranged into a hand book with the tittle Code of Practice on the Prevention and Handling of Sexual Harassment Cases in the University.

In addition to asking about knowledge of sexual violence, in the questionnaire also researcher test students knowledge about the existence of rules drawn up by the campus and sosializationed massively through various media, result of survey which did by researcher 85% from respondent know the existense rules of prevention and handling of sexual violence.

Information about prevention and handling rule of sexual violence in Malaysia obtained through several ways. Several ways obtain knowledge are seminars, webinars and training amount of 60,4%, campus officials 12,79%, friend 32,56%, Kanita (women's studies institute) 1,16%, lecture 15,12%.

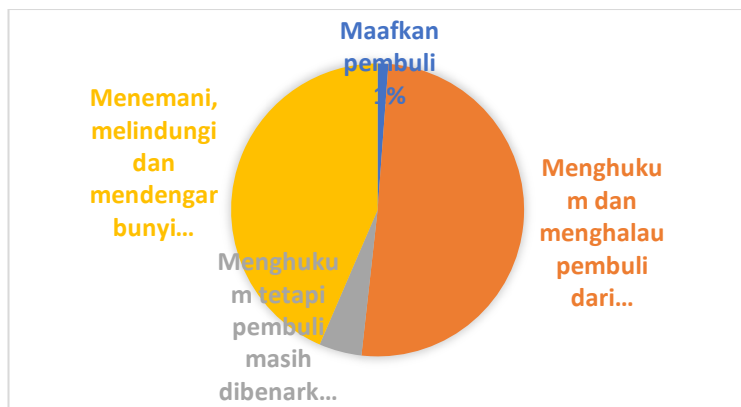


Academic study still become effective way into socialize rule about rule of sexual violence in campus. Followed with friend and lecture. Although in several Universities in Malaysia put up lots of fleyers or banners. This thing also strengthened with researcher interview result with several students in three universities Malaysia explain that knowledge got about sexual violence rule obtained from seminars and activities held by the campus.

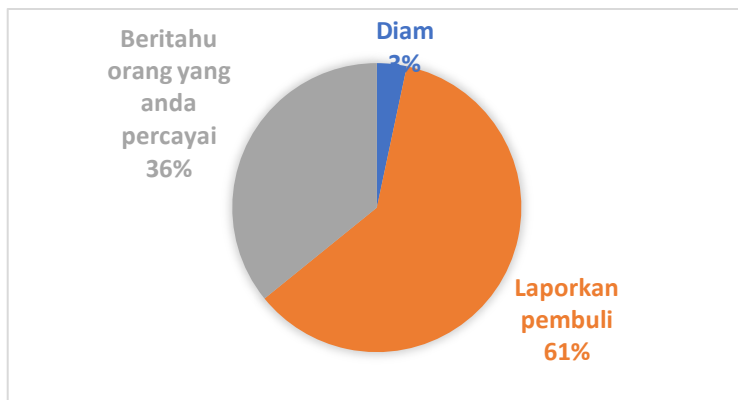


Generally component of sexual violence rule include rights and obligations of students, procedures, sanctions and types of sexual violence. From four components into sexual violence rule which include right and obligation of knowledge about procedure component of sexual violence rule that most students know (72,1%), followed by knowledge about sanction as amount 54,7% and type of sexual violence as amount 47,67%. Whereas students right and obligation become the lowest component known to students (32,6%). This knowledge related with hope about regulation and attitude that do if sexual violence respondent or friend happen.

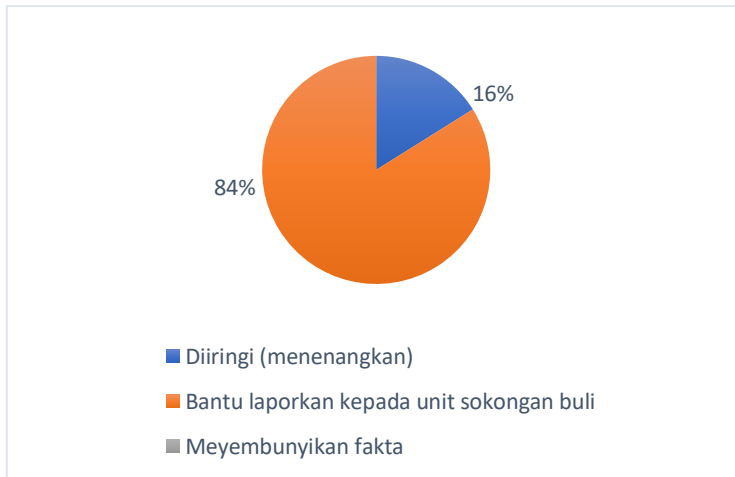
Victims hope on existence rule about sexual violence the most tendency is 51% respondents expect there is a rule for punishment and expelled the victim from the university and only 5% respondents who expect perpetrators of sexual violence still provide opportunities to continue to carry out their duties at the university.



Thing is done if respondent have experience of sexual violence is reporting perpetrators of sexual violence as much as 61%, 36% tell to people who believed and only 3% respondent who silent.



While things are done if find friend accept a sexual violence is in the amount of 84% students will help reporting to authorized party and 16 % students just winning victims. While there is no respondent who invite friend to hide the facts of acts of sexual violence.



Attitude which hoped appear in each of these students apparently compared with action that do from 86 respondents there are 16 students who confess find a friend have a sexual violence from 16 students only 4 students (25%) who right brave to reporting. Report about sexual violence do to internal side include caregivers and lecturers. One of them are four students reporting to out side university.

While 12 students (75%) from respondents who know there is sexual violence action that experienced by friend they did not dare to report the incident. This thing with keep reputation of college and they feel not exist guaranteed protection for victims of sexual violence.

Based on presentation data known that attitude and practice choice that do students not usual related with student knowledge and understanding about existence prevention and handling rule in university. But attitude

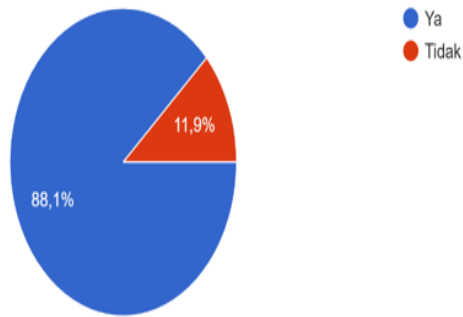
and practice that chosen and did actually based on experience on condition and situation that faced students when experience of sexual violence action.

Silent attitude and not reporting actually according part of students considered as good attitude choice because on conditions before the students instead it is placed on someone who provides opportunities for sexual violence or is called victim blame and victim blaming.

E. Knowledge and Attitudes of Higher Education Students towards Sexual Violence and Policies for the Prevention and Overcoming of Sexual Violence in Indonesia

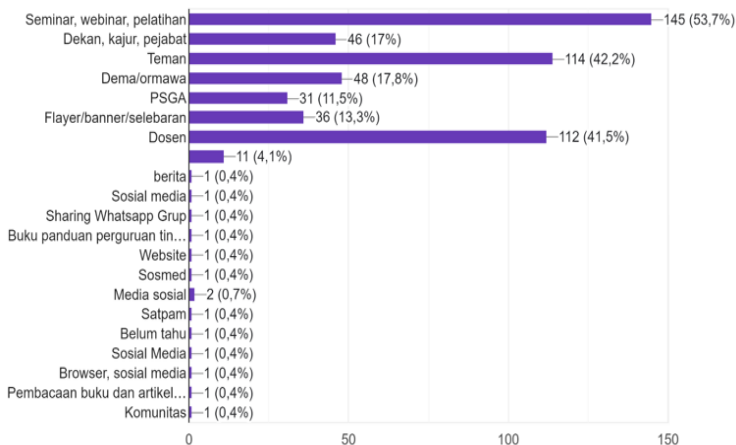
Effort of university into prevention and handling of sexual violence in Indonesia have good develop from time to time. Approved PMA Number 73 of 2022 push university to make handling and prevention certificate of sexual violence. From 58 PTKIN that spread all over Indonesia, registered there are 50 PTKIN which arranged policy into form handling and prevention of sexual violence certificate. From that 58 PTKIN, the researcher did survey to academic community in university have sexual violence certificate. The universities are IAIN Ponorogo, IAIN Metro Lampung, UIN Sultan Kasim Riau, UIN Samarinda, IAIN Kediri. Then, the researcher also did survey to one of university not have yet sexual violence certificate is IAIN Madura.

Not only do formulating, existence handling and prevention of sexual violence certificate also have good socialize. This thing seen from a survey of the level of knowledge of the academic community regarding the existence of sexual violence certificate the following:

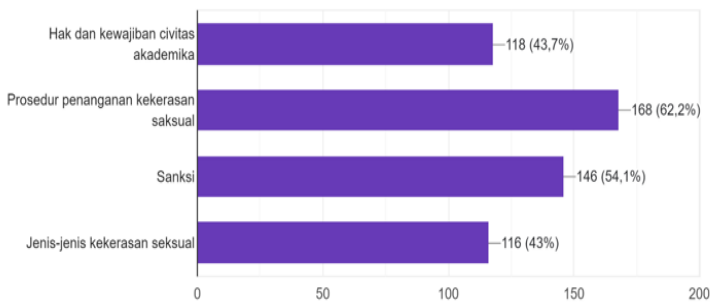


As much 88,1% respondent from 5 PTKIN (IAIN Ponorogo, IAIN Metro Lampung, UIN Sultan Kasim Riau, UIN Samarinda, IAIN Kediri) state knowing the existence of sexual violence certificate above, welcomed by the academic community. 53,7% respondents know existence this sexual violence certificate from webinar and training.

Whereas 41,5% confess know it from lecture, and followed by 42,2% know through information from friend. Whereas pamphlet and fayer that scattered in various strategic locations in tertiary institutions only contributed 13.3%. This thing showing that serious discussion and academic nuances are an effective means of sexual violence certificate socializing. Whereas gift an information with Just attaching a flayer cannot be understood by students because it only contains information at a glance, so many students ignore it.

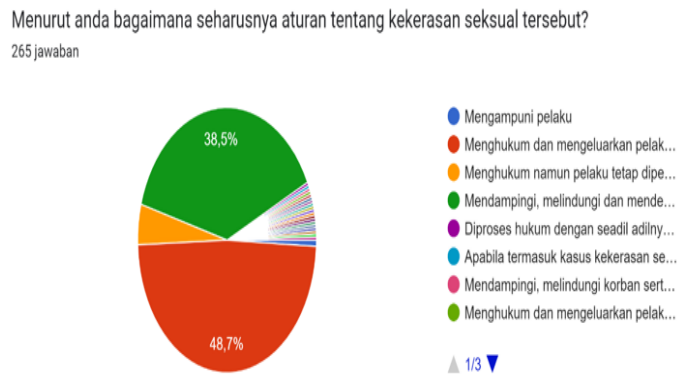


Component which arranged into sexual violence certificate include right and obligation academic community, procedure of handling sexual violence, sanction, and sexual violence types. From fourth important components, knowledge for procedure of handling sexual violence occupy on top position. Whereas knowledge about types of sexual violence occupy the lowest position. Observe the following table:

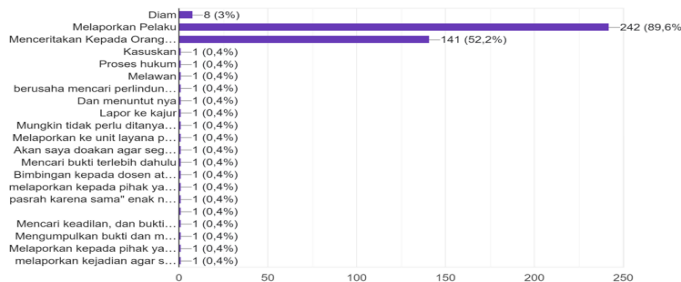


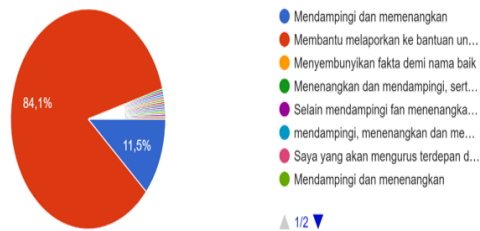
From result above, can concluded that knowledge academic community majority at the handling level. Where knowledge for handling followed with knowledge sanction form.

Means, curative action more understood than prevention. Whereas to create non-violence in universities, should knowledge about prevention points and curative msut balance, it also appears that respondents support the provision of punishment for perpetrators of sexual violence. As much as 48,7 % respondents agree if sexual violence certificate should punish and expelled from university. Whereas 38,8%, rule into sexual violence certificate protect and side with the victim.



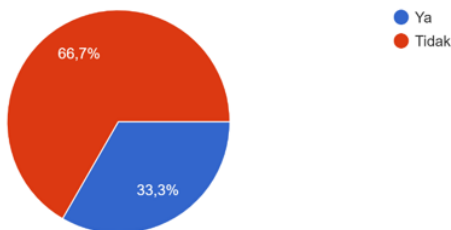
This knowledge related with attitude will taken by students if ther become sexual violence victims and know a friend become sexual violence victims. 84,1% resondents state will help friend to report to legal aid, and 89,6% state will offenders who experience sexual violence on campus.





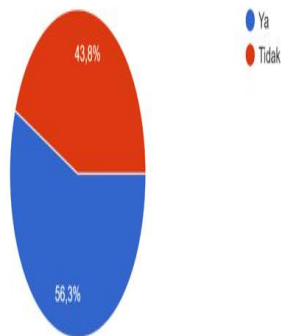
However, knowledge will handle of sexual violence procedure, attitude of respondents if become sexual violence victim, not related with practice will taken when become sexual violence victim. 81,3% respondents confess to choose not report a sexual violence experience. And 66,7% respondents state not report perpetrator of sexual violence when they friend become victim. 41,8% respondents confess not report sexual violence that experience because there is no guarantee of law enforcement. Whereas 27,3% state afraid they reputation is tarnished. This thing showing that knowledge and attitude taken by respondents not related with practice. In terms of good knowledge, the attitude is also positive, but in practice it is still apathetic.

Apakah anda dan teman anda melapor peristiwa tersebut?
63 jawaban

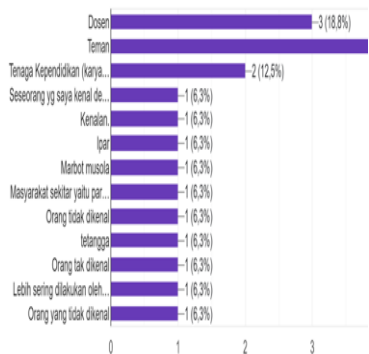


Other thing become consideration why finally the victims not report is because perpetrator is someone that known (56,3%). 25% perpetrator is victim's friend, and 18,8% did by lecture.

Apakah saudara mengenal dengan baik pengganggu kekerasan seksual?
16 jawaban

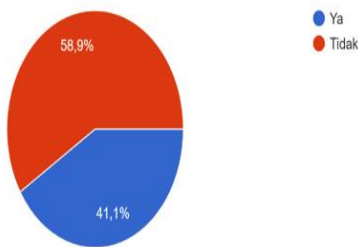


Siapakah pelaku kekerasan seksual tersebut?
16 jawaban



Besides because perpetrator is someone that known victims, 41,1% respondenrs state become sexual violence victims are disgrace that must be covered. And one of way is with not spread violence that experienced. Although valued as understanding that ancient in the midst of information disclosure, in fact the notion that the victim of sexual violence is a disgrace is still rooted among the academic community.

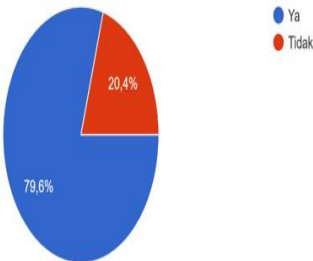
Menurut anda, apakah menjadi korban kekerasan seksual adalah sebuah aib sehingga harus ditutupi?
270 jawaban



Whereas into knowledge point, 79,6% respondents state sexual violence certificate in every university side of victims and give protection for victims. However, understanding does not necessarily make the victim dare to take a stand to report.

Menurut anda apakah aturan Surat Keputusan Pencegahan dan Penanganan Kekerasan Seksual berpihak dan memberikan perlindungan pada korban?

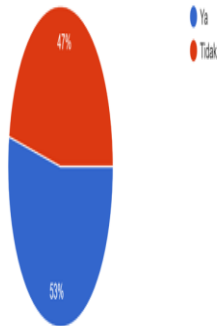
270 jawaban



Other factor, caused by the respondent 47% respondents not know the existance ULT in every university. Because not know existance ULT in campus, response then report of sexual violence that experienced to lecture (38,3), and 33,3% choose to directly report to law enforcement, instead of choosing ULT.

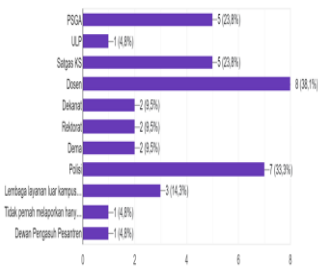
Apakah anda mengetahui keberadaan unit layanan pengaduan untuk penanganan kasus kekerasan seksual di Perguruan Tinggi?

270 jawaban



Kemana saudara melaporkan kekerasan seksual yang saudara alami?

21 jawaban



From that explanation, the researcher can conclude that on knowledge aspect.⁸⁵ The students in Indonesia and Malaysia have know sexual violence form and steps that should do as arranged into policy of prevention and handling of sexual violence in university. However, based on data that the researcher can known that knowledge owned does not affect the attitudes and practices undertaken.

F. Analysis of the Implementation of Policies for the Prevention and Handling of Sexual Violence

Knowledge level, attitude and practice did by students in Indonesia and Malaysia if reviewed based on *legal system theory* according to L.M. Friedman that the functioning of policies for preventing and handling sexual violence on campus is determined by three components, namely legal substance, legal structure and legal culture.⁸⁶

Three elements are unit that may not separated because between three complete each other, where all three drawn by all three are described by Friedman as follows:⁸⁷ “Stucture likened to a machine, whereas substance is what resulted from machine while culture is what and who decides to turn on and turn off the machine and who decides how the machine is used” so that from there it can be seen how related the relationship between the three is.

“The Structure is its skeletal frame work; it is the permanent shape, the institusional body of the system, the

⁸⁵ Knowledge, Attitude dan practice penulis jadikan indikator untuk menganalisis hubungan pengetahuan civitas akademika perguruan tinggi terhadap sikap dan tindakan yang dilakukan terkait keberadaan peraturan perguruan tinggi yang secara substansi mengatur tentang pencegahan dan penanganan kekerasan seksual di perguruan tinggi Indonesia dan Malaysia

⁸⁶ Prof Dr Achmad Ali, *Keterpurukan Hukum di Indonesia (penyebab dan solusinya)*, Ghalia Indonesia, Jakarta, 2002, h. 7

⁸⁷ Idem, h. 9

though, rigid bones that keep the process flowing within bounds.” So structure is frame or framework, that is surviving part, part that give some form or boundary to the whole⁸⁸ more specifically by Ali Aspandi explained that structure is law enforcement officers in the field.⁸⁹

Associated with structure have a role into prevention and handling of sexual violence in university in this thing is leader of university, PSGA and service unit/task force as well as assisted by the ethics board and vice chancellor III and Deputy Dean III for student affairs.

PSGA have a role as service center that integrated into efforts to empower women and children formed by PTKI by involving the active participation of students and the campus academic community which includes information centers, consultation centers, complaint services, initial health, counseling, legal assistance, return and social reintegration, shelters, centers referrals and services for economic empowerment and victim independence.

PSGA have a role into return or reunite witnesses and or victims with their families or substitute families or the community that purpose to increase empowerment of witnesses and or victims so that victims and or witnesses can live their lives again. Need successful of social reintegration process is exsist prepare witnesses and/or victims mentally and human resource capacity, support of family and society, security from threats by perpetrators, opportunities for economic empowerment, and fulfillment of the rights of witnesses and/or child victims in particular. To achieve this goal, some support is needed to ease the process of reintegration into society.

⁸⁸ Idem, h. 8

⁸⁹ Ali Aspandi, *Menggugat Sistem Hukum Peradilan Indonesia yang penuh ketidak pastian*, LeKSHI, Surabaya, hal: 23

Structure have a role as *agent of change* into social change process of university society campus community that is free from sexual violence. The structure holds control over the implementation of regulations for preventing and dealing with sexual violence in all aspects of higher education, namely in education and teaching, research and service that is not sexual violence. The structure is guided by the policies and regulations of higher education institutions regarding the prevention and handling of sexual violence which in the concept of legal system theory is called substance.

“The Substance is Composed of substantive rules and rules about how institutions should have” so meant substances are rules, norms, and real human behavior patterns that are in the system.⁹⁰ And emphasized more that substance is product that resulted by people that are in the law system, as legislation rule.

Generally the policy that arrange about sexual violence in PTKIN The Ministry of Religion is regulated in the Director General's Decree No 5494 of 2019 which changed to PMA Number 73 of 2022 and on implementation down in the chancellor's decree each university on the develop consist of 26 PTKIN have arrange the policy prevention and handling sexual violence.

The existence of chancellor's decree as umbrella for the protection of sexual violence in college, not give yet guarantee remove of sexual violence this thing actually proof that law not one of means of combating crime (*penal policy*)⁹¹ that thing proofed with always increase of sexual

⁹⁰ Achmad Ali, h.8

⁹¹ Menurut John Kenedi, “Kebijakan Kriminal (Criminal Policy) Dalam Negara Hukum Indonesia: Upaya Mensejahterakan Masyarakat (Social Welfare)”, AL-IMARAH: Jurnal Pemerintahan dan Politik Islam 2, No. 1 (2017): 17 bahwa *penal policy* termasuk dalam kelompok kebijakan kriminal sebab kebijakan kriminal dapat

violence that happen in university into Komnas Perempuan annual records in 2022.

Disfunction substance of prevention and handling of sexual violence in university actually influenced by the roots of misogynistic and patriarchal culture and society's point of view about morality and sexual violence.⁹² That impact on attitude for case not show empty on victims. The questions that filed by law enforcement officials when accept a reporting rape case sometimes less victim perspective and sometimes impression of judging the victim and make victim have experience a violence again (revictimization)⁹³

Sexual violence that happen in university often pinning some presumptions and stigma on victims of violence that then actually revictimize and hurt more, so a sexual violence victim became a suspect in a sexual assault case.⁹⁴ For the reason rule of campus that have perspective gender justice and the victim's perspective must be a top priority in its formulation.

May not forgotten also about inequality of power relations⁹⁵ in campus. Legal substance into prevention and

terbagi atas beberapa bentuk, seperti: penerapan hukum pidana (criminal law application), pencegahan tanpa pidana (prevention without punishment), dan mempengaruhi pandangan masyarakat mengenai kejahatan dan pemidanaan melalui media massa (influencing views of society on crime and punishment).

⁹² Sulistyowati Irianto dan Lidwina Inge Nurtjahyo, *Perempuan di Persidangan: Pemantauan Peradilan Berperspektif Perempuan*, (Jakarta: Nzaid, Convention Watch Universitas Indonesiadan Yayasan Obor Indonesia, 2006).

⁹³ Catatan Tahunan Komnas Perempuan

⁹⁴ Sri Wahyuni dkk., "Korban Dan/Atau Pelaku: Atribusi Victim Blaming pada Korban Kekerasan Seksual Berbasis Gender di Lingkungan Kampus," *Brawijaya Journal of Social Science* 2, no. 01 (2022), <https://doi.org/10.21776/ub.bjss.2022.002.01.1>.

⁹⁵ Ketimpangan Relasi kuasa menurut Facoult yang dikutip oleh Rifki Elindawati dalam *Jurnal Al-Wardah: Jurnal Kajian Perempuan, Gender dan Agama* Volume : 15 No 2. Edisi Desember 2021 menyatakan bahwa penyebab terjadinya kekerasan seksual

handling of sexual violence rule should able to eliminate this discrepancy through gender perspective that built into it. Giving a just rights based on the needs of victims and evaluation implementation and monitoring on fulfillment of these rights become entrance gate measure a control and benefit from existence a prevention and handling of sexual violence rule in campus.

Formulating and implementation legal rule without build a substance that based on the needs of the campus community will only create an insecure space for victims. For the reason building a campus community knowledge very important to do so that collective awareness is realized that efforts to prevent and deal with sexual violence are a joint effort and a shared responsibility.

“Legal Culture refers, then to those parts of general culture-customs, opinions, way of doing a thinking that bend social forces to wardor away from the law and in particular ways” means according Friedman that meant with legal culture is human attitude for legal and belief system, thinking value and expectation⁹⁶ law culture basically includes the values that underlie the law apply that is abstract conceptions about what the considered good or bad, where values are value partner that reflect two extreme circumstances that must be harmonized.⁹⁷

Culture that is element have a big impact into prevention and handling a sexual violence. A habit that happen is part from culture form. Culture that for years normalized is the culture of labeling women as beings who must maintain their dignity and honor as woman so when happen a sexual violence on woman, becoming real cause

adalah ketimpanga relasi kuasa, kontruksi sosial dan sasaran kekuasaan.

⁹⁶ Achmad Ali, h.9

⁹⁷ Soerjono Soekanto, *faktor-faktor yang mempengaruhi Penegakan Hukum*, Pt Raja Grafindo Persada, Jakarta,2002, h.47.

is a woman not able to maintain his honor, and this condition does not apply to men.

In university, normalize culture of sexual violence often did by academic community. Sexist sentences that objectify a woman's body are considered normal. There are even those who think that sexual violence is synonymous with sexuality and decency, so if only sentence or not arrive on touching vital body parts is not considered sexual violence.⁹⁸

Normalization sexual violence in Indonesia nor can this be seen in the imbalance between knowledge and attitudes of the academic community in viewing the phenomenon of sexual violence. One of side, academic community has good knowledge related with regulation and also down rule from handling and prevention of sexual violence.

However other side, knowledge not balance with attitude taken when see nor when happen sexual violence victims. Instead of running the process as known in the rules, majority of academic community choose to silent and do not take a law as it should be. This thing caused by culture still inherent that women are the source of sexual harassment.

Victim blaming is one of culture that usual present in the handling of sexual violence on campus, this thing influenced by attributional views for victims so birth a dualism rule where a women blamed because become victims and as the perpetrator, namely as the person most responsible for the occurrence of sexual violence, then judging a victim on do as a cause.⁹⁹

⁹⁸ Pengakuan unsur pimpinan salah satu perguruan tinggi di pulau sumatera

⁹⁹ Wahyuni dkk., "Korban Dan/Atau Pelaku."

This *victim blaming* culture has impact on the victim's feelings of guilt. Instead tell and desire to serach a fair, victims choose to harbored sorrow and endured shame because what a she experience viewed as a shame. This thing exacerbated by the majority of perpetrators of sexual violence committed by someone who is well known and friends with the victim. Apart from friends, lecturers are also perpetrators of sexual violence in tertiary institutions.

Because consider a sexual violence as shame, so a victim not to report. The victims afraid attached to a negative stigma in the college environment. As a result, victims should bear suffering and hurt that experience because law culture that not responsive of victims.

Several researchs about sexual violence culture in campus while only on discourse on dismantling culture, cause with offering a solution that can do so description of the conditions for the impact of the solution cannot be measured and its success assessed.

Tradition or culture is a habit that happen repeatedly in society and various shapes but the impact is taking root and even giving birth to a culture of normalization of traditions or culture that is detrimental to victims, especially women¹⁰⁰. So internalization of culture and tradition both must be accommodated in formulating the substance of policies on the prevention and handling of sexual violence on campus. Cause a culture can influence by the birth of the rule of law although slowly for the reason needed hand of power to break the chain of sexual

¹⁰⁰ Kontruksi sosial yang selalu membedakan kategorisasi jenis kelamin seringkali menjadi faktor penyebab lahirnya ketidakadilan gender. Perempuan dianggap sebagai kelompok kedua bahkan kelompok underground yang hak-haknya bisa terpenuhi jika laki-laki sudah terlebih dahulu menikmati

violence culture through policy that approved by leader of university and its implementation is supervised by all campus communities including university leaders.

In USM campus, leader of university very support prevention and handling sexual harassment. This thing proven with birth integrity pact that must be signed by all USM campus staff and lecturers without exception. This step pushed by kanita for create a safe and healthy university.¹⁰¹

The involvement of USM higher education leaders in preventing sexual violence, impact on victim attitude who brave to report a sexual violence. Even if you don't report it to the university, the victim barve tell an events experienced to those closest and trusted. Likewise, if a friend becomes a victim, they will help the victim to get good justice by reporting it to the authorities.

Even if it looks bold, but into practice level is not much different from Indonesia. In fact, only 25% of victims actually take legal action when experiencing sexual violence. Whereas 75% respondents actually know and belief that they friend become a sexual violence victim also choose to silent. One of the reason caused because there is no a strict legal protection for victims of sexual violence.

G. Transformation of Knowledge and Attitudes of the Academic Community as an Effort to Realize Victim Perspective Protection

Give a protection can realize through legal and non-legal efforts. On legal effort, the form of protection can be read normatively and explicitly but mean a protection should understand philosophically as an effort to provide

¹⁰¹ Wawancara dengan pimpinan kampus USM pada 26 Januari 2023

justice for legal subjects in general. By Marc Ancel¹⁰² this effort meant with penal policy that is an effort to have a practice purpose so that a rule is formulated better so birth a legislation can become a principle for all aspects law enforcer as law enforcement officials and other legal subjects involved in it.

Furthermore Barda Nawawi¹⁰³ state that in line with the opinion of Marc Ancel, can understood that penal policy not only effort which relying on a normative and dogmatic approach but needed other approach with comprehensive so legislation formulate substance can relieve benefit value on implementation. The meaning of the value of benefit in a rule is interpreted as an effort to accommodate the voice of the community. If this is related to efforts to establish regulations regarding the prevention and handling of sexual violence in university, then listening to the experience and knowledge of the academic community regarding sexual violence that has occurred is an important thing that cannot be eliminated.

Birth of rules in university about prevention and handling of sexual violence on in essence, it is an attempt to create a safe space for the academic community and victims of sexual violence so the substance of the regulation should be the prevention and handling of sexual violence in university listen and accommodate voice of academic community include victim voice through knowledge and experience.

Discuss about victims, so will discuss also about victimology approach because this approach is an approach that learn about victims. Terminologically, victimology means "a study that studies victims, the

¹⁰² Marc Ancel. *Social Defence a Modern Approach to Criminal Problem*, London Routledge & Kegan Paul, 1995, h. 4-5

¹⁰³ Barda Nawawie Arif, *Beberapa aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana* (Bandung: PT. Citra Aditya Bhakti, 1998).

causes of victims and the consequences of victimization which are human problems as a social reality." ¹⁰⁴ Andi Matalata state that victim need to get more place into criminal law. ¹⁰⁵

On the analysis questionnaire data result which the researcher got from students in Malaysia and Indonesia show that on basically a students have knowledge about sexual violence and existence rule in their university, but student attitude choice still on silent choice because such as feel not safety. Although normative into rule campus has give protection guarantee. For the reason the researcher trying to measure about the extent to which the rules on sexual violence accommodate the knowledge of the academic community and are disseminated massively so that they can have a massive impact.

Several universities in Indonesia explain that first step to arrange rule draft of prevention and handling of sexual violence is with do simple research to dig up knowledge, experience and attitude that do if know and experience of sexual violence. Handling to the perpetrator is also part of the questions in the questionnaire.

Data about handling form got from questionnaire become base for us to formulating a rule about handling mechanism that do on perpetrator, said Diajeng in the results of our virtual interview ¹⁰⁶ Furthermore Ningsih Fadilah state that the data got continued with the process of dissemination to the leadership to explain that sexual violence exists and is actually experienced by the

¹⁰⁴ Arif Gosita, Masalah Korban Kejahatan Kumpulan Karangan, AkademikaPressindo, Jakarta, 1993, h. 228

¹⁰⁵ Andi Mattalatta, "Santunan bagi Korban," dalam J.E, Sahetapy (ed.), Viktimologi: sebuah Bunga Rampai (Jakarta: Pustaka Sinar Harapan, 1987)

¹⁰⁶ Wawancara secara virtual tanggal 28 Desember 2022

academic community as evidenced by the simple research results of the Gus Dur UIN PSGA team in Pekalongan.¹⁰⁷

Not much different from PSGA UIN Suska, IAIN Kediri, IAIN Ponorogo and IAIN Metro that also do dig up first data among academic community that will become as Sociological basis for the importance of formulating rules regarding the prevention and handling of sexual violence on campus.

In Malaysia, fight to approve The regulations for combating sexual violence have been running for 12 years and will finally be ratified in 2022 and appeared deed 840. Malaysia's journey in the process of formulating these rules is caused by the parliamentary system used as a system of government in Malaysia where for those who have a state council and a people's council. In the effort formulate and approve a rule proposed by the state council, must be approved by 2/3 of the people's council. So if it has been approved then the rule is legalized

Mostly sound into push the ones who have voiced the most in pushing for the issuance of Deed 840 are actually NGOs who are concerned about the increase in sexual violence in Malaysia.

In USM university on 1999 has code of practice or code of Ethics that content also manage about efforts to avoid sexual violence on the USM campus. *code of practice* characteristic administrative and has no legal impact so that the settlement of cases of sexual violence that occurred at USM is carried out by giving a warning as stipulated in the code of practice. Then on 2018 all employees and lecturers should sign integrity pact so that there is a legal impact that arises if the academic community commits sexual harassment, as sexual violence is called in Malaysia.

¹⁰⁷ Wawancara pada 2 Januar 2023

In the period 1999 to 2018, kanita as university institution that have role into response academic community voice related with sexual violence that happen, try to do negotiation and consolidation efforts to university leaders so made a rule soon which strictly imposes sanctions on the perpetrators of sexual violence on the USM campus cause *code of practice* still felt not enough for punish the perpetrators. Finally, the leader of university agreed and birth an *employment act*.¹⁰⁸

Besides leader of university USM (rector), in USM also get gathering USM students who support in full measures to prevent and overcome sexual harassment at USM so this become a great opportunity for USM to voice its stand on the rejection of sexual harassment in University. This condition drawn exist the step integrate in university that become responsibility prevention of sexual harassment as a shared responsibility.

Knowledge and attitude of campus community that responded by leader of university is key opened access fair for victims. Access that push encouraged the birth of policies that are gender fair and have a gender perspective.

¹⁰⁸ Merupakan aturan-aturan yang dibuat untuk employee kampus USM dalam hal ini adalah pegawai maupun dosennya

CHAPTER V

CONCLUSION

Based on data analysis which successful the researcher did, can concluded that:

1. Knowledge and understanding academic community in university Indonesia about sexual violence and prevention and handling of sexual violence step that should do when see, listen, and have sexual violence still on step of knowledge and not followed up yet with attitude and create practice step and related rule already made.

This condition background by strong social construction that places victims as reason from incident of sexual violence and assumption that policy that made still side with the perpetrator. Different with one of university in Malaysia that response academic community need through birth several college rule is *Code of Practice*, facts integrity prevention of sexual harassment and *Employment Act*.

2. Attitude of academic community for prevention and handling of sexual violence rule in Indonesia university not get yet realized because the academic community chose to be a silent actor. Thinking construction that believed place responsibility on prevention and handling of sexual violence is responsibility of university leader and responsibility of structure that made by college as reason normalization of sexual violence in university. So sexual violence case still become iceberg phenomenon. Victim choice of sexual violence to not reporting sexual violence experienced on campus is influenced by three factors such as prevention structure and a weak handling, policy substance that is considered gender unfair and side on importance of perpetrator who has higher power

(unequal power relations) than the victim and culture re-victimization or victim blaming that is still rooted on campus. In the university in Malaysia actually not much different but on one campus, leader of university synergized with women's and student organizations to strive for justice for victims by believing that the responsibility for handling sexual harassment is a shared responsibility.

3. Simple steps that did by university in Indonesia in form simple research on academic community is a real manifestation of the transformation of knowledge and attitudes that wanted by academic community about prevention step, handling, and victim assistance with a victim perspective and gender justice. Long way formulating rules for the prevention and handling of sexual violence in Indonesia and Malaysia is motivated by the factor of the formal mechanism for the formation of laws and regulations and pro contra that also become obstacles to legalization of regulations on the prevention and handling of sexual violence in the context of the State and Higher Education

Bibliography

- Arif Gosita, Masalah Korban Kejahatan Kumpulan Karangan, AkademikaPressindo, Jakarta, 1993
- Andi Mattalatta, "Santunanbagi Korban," dalam J.E, Sahetapy (ed.), Viktimologi: sebuah Bunga Rampai (Jakarta: Pustaka Sinar Harapan, 1987)
- "1463.1614929011.pdf." Diakses 12 Desember 2022. <https://komnasperempuan.go.id/uploadedFiles/1463.1614929011.pdf>.
- Abdullah, Rozana. "Gangguan Seksual: Peranan Parlimen dalam Penggubalan Undang-undang dan Polisi yang Relevan" 1 (2021): 36.
- Adiyanto, Wiwid. "Pemanfaatan Media Sosial Instagram Sebagai Ruang Diskusi Upaya Pencegahan Pelecehan Seksual di Lingkungan Akademis." *Jurnal Ilmiah Pangabdhi* 6, no. 2 (21 Oktober 2020): 78–83. <https://doi.org/10.21107/pangabdhi.v6i2.7594>.
- Akbar Asfar, Mistari, dan Sunarti. "HUBUNGAN PELECEHAN SEKSUAL DENGAN KONDISI PSIKOLOGIS PADA REMAJA DI SMK ANALIS KIMIA MAKASSAR." *Bina Generasi: Jurnal Kesehatan* 12, no. 1 (25 September 2020): 14–20. <https://doi.org/10.35907/bgjk.v12i1.155>.
- Andini, Orin Gusta. "Urgensi Keterlibatan LPSK dalam Penanganan Kasus Kekerasan Seksual di Perguruan Tinggi," t.t.
- Anggraeni, Ni Made, dan I Wayan S Suardana. "Analisis Perbandingan Hukum Pelecehan Seksual Di Tempat Kerja 'Quid Pro Quo' Di Indonesia Dan Malaysia." *Jurnal Kertha Desa* 9, no. 3 (t.t.).
- Ariani Hasanah Soejoeti dan Vinita Susant. "Memahami Kekerasan Seksual sebagai Menara Gading di Indonesia Dalam Kajian Sosiologis." *Community* 6, no. 2 (oktober 2020): 207–22.

- Asmita, Wenda, dan Masril. "Sexual Harassment Treated With Feminist Therapy (Pelecehan Seksual Ditanggulangi Dengan Terapi Feminis)." *Jurnal Bikotetik (Bimbingan Dan Konseling: Teori Dan Praktik)* 6, no. 2 (14 November 2022): 79–83. <https://doi.org/10.26740/bikotetik.v6n2.p79-83>.
- Barda Nawawie Arif. *Beberapa aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*. Bandung: PT. Citra Aditya Bhakti, 1998.
- Belafonte, Fredericko. "Analisis Yuridis Menurut Hukum Indonesia Dan Malaysia Terhadap Tindak Pidana Pencabulan Dalam Ruang Lingkup Rumah Tangga (Incest)." Bachelor, Universitas Internasional Batam, 2013. <http://repository.uib.ac.id/461/>.
- Endut, Noraida, Siti Waringin Oon, Lai Wan Teng, Zaireeni Azmi, Siti Hawa Ali, dan Rohasliney Hashim. "Understanding and Experiences of Sexual Harassment amongst University Students: A Case Study of Undergraduates in Universiti Sains Malaysia," t.t.
- Effendi, Dudy Imanuddin. "Upaya Preventif Kekerasan Seksual Di Kampus." Monograph. Bandung: Pusat Perpustakaan UIN Sunan Gunung Djati Bandung, 25 Maret 2021. <http://digilib.uinsgd.ac.id>.
- Eko Handoyo. *Kebijakan Publik*. Semarang: Widya Karya, 2012.
- Fajarini, Ulfah, dan Nurul Handayani. "Human Geografi Dan Pelecehan Seksual Terhadap Perempuan Di Perguruan Tinggi Keagamaan Islam Negeri." *Jurnal Harkat : Media Komunikasi Gender* 17, no. 1 (13 Agustus 2021): 49–66.
- Fredrik Bondestam dan Maja Lundqvist. "Sexual harassment in higher education—a systematic review." *European Journal of Higher Education* 10, no. 4 (2020): 397–419. <https://doi.org/10.1080/21568235.2020.1729833>.

- Gillian M. Pinchevsky, Amy B. Magnuson, Megan Bears Augustyn, dan Callie Marie Rennison. "Sexual Victimization and Sexual Harassment among College Students: A Comparative Analysis." *Journal of Family Violence* 35, no. 6 (Agustus 2020): 603–18. <https://doi.org/10.1007/s10896-019-00082-y>.
- Hartono, Made Sugi. "Fungsionalisasi Hukum Sebagai Fondasi Bangunan Peradaban Perguruan Tinggi Yang Anti Kekerasan Seksual." *Jurnal Komunikasi Hukum (JKH)* 8, no. 2 (1 Agustus 2022): 511–24.
- "Hasil Pencarian - KBBI Daring." Diakses 23 Desember 2022. <https://kbbi.kemdikbud.go.id/entri/kebijakan>.
- Hayati, Elli Nur. *Kekerasan Seksual*. Jakarta: Program Gender dan Seksualitas FISIP UI b, 2004.
- Hutagalung, Fonny Dameaty, dan Zainal Arifin. "Hubungan antara pelecehan seksual dengan kepuasan kerja dan tekanan kerja pada karyawan wanita di tiga universitas negeri kawasan Lembah Klang, Malaysia." *Psikologia-online* 2012 7, no. 1 (t.t.).
- "Ini Poin-poin Kekerasan Seksual dalam Permendikbud Nomor 30/2021." Diakses 12 Desember 2022. <https://www.beritasatu.com/news/907005/ini-poinpoin-kekerasan-seksual-dalam-permendikbud-nomor-302021>.
- Jamaludin, Ahmad, dan Yuyut Prayuti. "Model Pencegahan Kejahatan Seksual Di Lembaga Pendidikan Pesantren." *Res Nullius Law Journal* 4, no. 2 (25 Juni 2022): 161–69. <https://doi.org/10.34010/rnlj.v4i2.6861>.
- John W. Creswell. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. California: Sage Publication, 2014.
- Katherine S. Williams. *Textbook on Criminology*. Oxford: Oxford University Press, 2012.

- Kemendikbud. "Wujudkan Lingkungan Perguruan Tinggi yang Aman dari Kekerasan Seksual." *Siaran Pers Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor:779/sipres/A6/XII/2021*. 11 Desember 2021. <https://www.kemdikbud.go.id/main/blog/2021/12/wujudkan-lingkungan-perguruan-tinggi-yang-aman-dari-kekerasan-seksual>.
- Khan, Yh, A Sarrieff, Ah Khan, dan Th Mallhi. "Knowledge, Attitude and Practice (KAP) Survey of Osteoporosis among Students of a Tertiary Institution in Malaysia." *Tropical Journal of Pharmaceutical Research* 13, no. 1 (13 Februari 2014): 155. <https://doi.org/10.4314/tjpr.v13i1.22>.
- Komisi Nasional Anti Kekerasan Terhadap Perempuan. "Lembar Fakta Kekerasan Seksual Di Lingkungan Pendidikan Komisi Nasional Anti Kekerasan terhadap Perempuan," 1. Jakarta: Women's National Commission, 2020.
- Lexy J Moleong. *Metodologi Penelitian Kualitatif*. Bandung: Remaja Rosdakarya, 2021.
- Women's National Commission. "Catatan Tahunan Komini Nasional Anti Kekerasan Terhadap Perempuan," 6 Maret 2020. Jakarta. perpustakaan@komnasperempuan.go.id.
- . "Catatan Tahunan Women's National Commission Tahun 2022 Tentang Bayang-bayang stagnasi: Daya Pencegahan dan Penanganan Berbanding Peningkatan Jumlah, Ragam dan Kompleksitas Kekerasan Berbasis Gender terhadap Perempuan," 9 Maret 2022. <https://komnasperempuan.go.id/kabar-perempuan-detail/peluncuran-catahu-komnas-perempuan-2022>.
- Kuswardani, Kuswardani. "Sexual Violence in Indonesia and Malaysia: A Comparative Study." *Jurnal Media*

- Hukum* 26, no. 1 (29 Juni 2019): 47–59.
<https://doi.org/10.18196/jmh.20190122>.
- Miles, Matthew B., dan A. Michael Huberman. *Qualitative data analysis: An expanded sourcebook*. sage, 1994.
- Marc Ancel. *Social Defence a Modern Approach to Criminal Problem*, London Routledge & Kegan Paul, 1995
- Matthew B. Miles, A. Michael Huberman, dan Johnny Saldaña. *Qualitative Data Analysis: A Methods Sourcebook*. California: SAGE Publications, 1994.
- Moeleong, Lexy J. *Metodologi Penelitian Kualitatif*. Bandung: Remaja Rosdakarya, 2006.
- Mohamed, Ashgar Ali Ali. “Sexual Harassment in Malaysian Educational Institutions: Causes and Solutions.” *IJASOS- International E-Journal of Advances in Social Sciences* 1, no. 1 (18 April 2015): 17.
<https://doi.org/10.18769/ijasos.38340>.
- Moeleong, Lexy J. *Metodologi Penelitian Kualitatif*. Bandung: Remaja Rosdakarya, 2006.
- Muadi, Sholih, I. MH, dan Ahmad Sofwani. “Konsep dan Kajian Teori Perumusan Kebijakan Publik.” *Jurnal Review Politik* 6, no. 2 (2016): 195–224.
- Nikmatullah. “Demi Nama Baik Kampus VS Perlindungan Korban: Kasus Kekerasan Seksual di Kampus.” *QAWWAM: JOURNAL FOR GENDER MAINSTREAMING* 14, no. 2 (Desember 2020): 37–52. <https://doi.org/10.20414/qawwam.v14i2.2875>.
- . “Demi Nama Baik Kampus VS Perlindungan Korban: Kasus Kekerasan Seksual di Kampus.” *QAWWAM: JOURNAL FOR GENDER MAINSTREAMING* 14, no. 2 (Des 2020): 37–53. <https://doi.org/10.20414/qawwam.v14i2.2875>.
- Ningtyas, Dyah Palupi Ayu. “Domestic Violence Screening Sebagai Peningkatan Implementasi Mediasi Perceraian Berdasarkan Peta KDRT Pada Kultur

- Masyarakat Jawa Timur.” *Sakina: Journal of Family Studies* 5, no. 2 (23 Agustus 2021). <http://urj.uin-malang.ac.id/index.php/jfs/article/view/733>.
- Noviana, Ivo. “KEKERASAN SEKSUAL TERHADAP ANAK: DAMPAK DAN PENANGANANNYA.” *Sosio Informa* 1, no. 1 (24 Agustus 2015). <https://doi.org/10.33007/inf.v1i1.87>.
- Nurhardianto, Fajar. “Sistem Hukum Dan Posisi Hukum Indonesia.” *Jurnal Teropong Aspirasi Politik Islam* 11, no. 1 (2015): 132702. <https://doi.org/10.24042/tps.v1i1.840>.
- “PROCEEDINGS_OF_3rd_KANITA_POSTGRADUATE_I.pdf.” Diakses 14 April 2023. http://kicgs.usm.my/images/paper/PROCEEDINGS_OF_3rd_KANITA_POSTGRADUATE_I.pdf#page=224.
- “Peraturan Menteri Agama Nomor 73 Tahun 2022,” 21 Oktober 2022. <https://peraturanpedia.id/peraturan-menteri-agama-nomor-73-tahun-2022/>.
- Post, The Jakarta. “Indonesia Ranked Second-Most Dangerous Place for Women in Asia Pacific: Study.” The Jakarta Post. Diakses 12 Desember 2022. <https://www.thejakartapost.com/news/2019/03/06/indonesia-ranked-second-most-dangerous-place-for-women-in-asia-pacific-study.html>.
- Qotimah, Aulia Khusnul, Ayu Nur Azizah, dan Nursherlyna Nursherlyna. “The Perlindungan Kekerasan Pelecehan Terhadap Perempuan Di Indonesia.” *TIN: Terapan Informatika Nusantara* 1, no. 3 (22 Agustus 2020): 123–25.
- Rakhmawati, Dini, Desi Maulida, dan Yovitha Yuliejantiningasih. “Pembangunan Informasi, Asertivitas Seksual Dan Kekerasan Seksual Di Perguruan Tinggi.” *Indonesian Journal of Guidance and Counseling: Theory and Application* 11, no. 2 (30

- September 2022): 75–82.
<https://doi.org/10.15294/ijgc.v1i1i2.60831>.
- Rismawanti, Venny. “GAMBARAN SIKAP REMAJA TERHADAP PELECEHAN SEKSUAL DI SMAN 2 RENGAT TAHUN 2019.” *Menara Ilmu* 15, no. 1 (15 Januari 2021).
<https://doi.org/10.31869/mi.v15i1.2371>.
- “salinan_20211025_095433_Salinan_Permen 30 Tahun 2021 tentang Kekerasan Seksual fix.pdf.” Diakses 24 Desember 2022.
https://jdih.kemdikbud.go.id/sjdih/siperpu/dokumen/salinalinan/salinalinan_20211025_095433_Salinalinan_Permen%2030%20Tahun%202021%20tentang%20Kekerasan%20Seksual%20fix.pdf.
- Shuaib, Farid. “Islamic legal system in Malaysia.” *Pacific Rim Law and Policy Journal* 21 (1 Januari 2012): 90–91.
- Siallagan, Haposan. “PENERAPAN PRINSIP NEGARA HUKUM DI INDONESIA.” *Sosiohumaniora* 18, no. 2 (26 Oktober 2016): 122–28.
<https://doi.org/10.24198/sosiohumaniora.v18i2.9947>.
- Sihite, Ribka Purnamasari, Lanang Olivia Lumbanraja, Castro Sihombing, dan Rahmayanti Rahmayanti. “PERLINDUNGAN HUKUM TERHADAP ANAK SEBAGAI KORBAN TINDAK PIDANA PENCABULAN (TINJAUAN PUTUSAN NOMOR :398/PID.SUS/2018/PN.MDN).” *Al-Adl : Jurnal Hukum* 12, no. 2 (29 Juli 2020): 300–316.
<https://doi.org/10.31602/al-adl.v12i2.2914>.
- Simanjuntak, Elizabeth Grace, dan M Falikul Isbah. “‘The New Oasis’: Implementasi Permendikbud Tentang Pencegahan dan Penanganan Kekerasan Seksual di Perguruan Tinggi.” *Jurnal Analisa Sosiologi* 11, no. 3 (30 Juli 2022).
<https://doi.org/10.20961/jas.v1i3.59736>.

- Sitorus, Jeremy Chandra. “Quo Vadis, Perlindungan Hukum Terhadap Korban Pelecehan Seksual Di Kampus.” *Lex Scientia Law Review* 3, no. 1 (Mei 2019): 30–39.
- Soerjono Soekanto, *faktor-faktor yang mempengaruhi Penegakan Hukum*, Pt Raja Grafindo Persada, Jakarta, 2002.
- Wahyuni, Sri, Siti Nurbayani, Ilma Kesumaningsih, dan Dinar Hargono. “Korban Dan/Atau Pelaku: Atribusi Victim Blaming pada Korban Kekerasan Seksual Berbasis Gender di Lingkungan Kampus.” *Brawijaya Journal of Social Science* 2, no. 01 (2022). <https://doi.org/10.21776/ub.bjss.2022.002.01.1>.
- Soekanto, Soerjono, dan Mamuji Sri. *Penelitian Hukum Normatif; Suatu Tinjauan Singkat*. 2003. Jakarta: PT Raja Grafindo Persada, t.t.
- Sugiyono. *Metode Penelitian Kuantitatif Kualitatif dan R&D*. Bandung: Alfabeta, 2009.
- Sumera, Marchelya. “PERBUATAN KEKERASAN/PELECEHAN SEKSUAL TERHADAP PEREMPUAN.” *LEX ET SOCIETATIS* 1, no. 2 (10 Mei 2013). <https://doi.org/10.35796/les.v1i2.1748>.
- Sumintak, Sumintak, dan Abdullah Idi. “Analisis Relasi Kuasa Michel Foucault: Studi Kasus Fenomena Kekerasan Seksual Di Perguruan Tinggi.” *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 11, no. 1 (26 Juni 2022): 55–61. <https://doi.org/10.19109/intelektualita.v11i1.11117>.
- “Testimoni Kekerasan Seksual: 174 Penyintas, 79 Kampus, 29 Kota.” Diakses 12 Desember 2022. <https://tirto.id/testimoni-kekerasan-seksual-174-penyintas-79-kampus-29-kota-dmTW>.
- Titik Kartika, dkk, Khaerul Umam Noer, Titiek Kartika. *Membongkar Kekerasan Seksual di Pendidikan*

- Tinggi: Pemikiran Awal*. Yayasan Pustaka Obor Indonesia, 2022.
- Ulfah Fajarini, Nurul Handayani. “Human Geografi Dan Pelecehan Seksual Terhadap Perempuan Di Perguruan Tinggi Keagamaan Islam Negeri.” *Jurnal Harkat;Media Publikasi Gender* Vol 17, no. 1 (Januari 2021): 49–26. <https://doi.org/10.15408/harkat.v17i1.22135>.
- Wan Ulfa Nur Zuhra. ““Testimoni Kekerasan Seksual: 174 Penyintas, 79 Kampus, 29 Kota’,” *Tirto.id*, 23 April 2019. <https://tirto.id/dmTW>.
- Wiwid Adiyanto. “Pemanfaatan Media Sosial Instagram Sebagai Ruang Diskusi Upaya Pencegahan Pelecehan Seksual di Lingkungan Akademis.” *Jurnal Ilmiah Pengabdian Universitas Turnojoyo* 6, no. 2 (Des 2020).
- Women, UN. “Facts and Figures: Ending Violence against Women.” UN Women – Headquarters. Diakses 12 Desember 2022. <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.
- Yumpu.com. “Comparative Law in a Changing World, Second Edition.” yumpu.com. Diakses 30 Desember 2022. <https://www.yumpu.com/en/document/read/11805833/comparative-law-in-a-changing-world-second-edition>.