

Students Experienced Sexual Violence and Obstacles in Handling It According to Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 Concerning Prevention and Handling of Sexual Violence in Higher Education

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ABSTRACT

The Regulation of Education, Culture and Research and Technology Minister Number 30 2021 concerning the Prevention and Handling of Sexual Violence in Higher Education stipulates that one year after the enactment of this regulation, each university must form a Task Force. However, there are not a few universities that have not formed the Task Force, the reason is because in the colleges concerned there is no sexual violence. This paper aims to uncover the forms of sexual violence that occur, and examine The Regulation of Education, Culture and Research and Technology Minister Number 30 2021 in dealing with sexual violence on campus whose perpetrators come from members of the public society. This research is a normative legal research, and used deductive logic to analyze violent sexual that occur on campus. The results showed that sexual violence that occurred covered verbal, physical and electronic-based violence.

INTRODUCTION

The Komnas Perempuan survey in 2019 at 16 Indonesian universities that were involved found 1,011 cases of sexual violence (Komnas Perempuan, 2021:6). In addition to Komnas Perempuan's report, recently there have been cases of sexual violence on campus which have been disclosed by victims who have also increased, for example student victims of sexual violence by lecturers that occurred at Sriwijaya University, Udayana University, Jakarta State University, sexual harassment experienced by female students at the University of Riau (Kaleidoscope 2021). This phenomenon is certainly concerning, considering that higher education is a gathering place for intellectuals who teach about honesty, justice, ethics and human rights.

Several previous research results stated that sexual violence on campus was caused by rape culture (Herman, 1989; Lee et.al, 2007). Meanwhile, studies that use a socialist-feminist approach in examining the causes of sexual violence, state that institutional and socio-cultural factors related to gender and privilege on campus lead to patterns of power and control within the university system that facilitate the occurrence and facilitation of sexual violence (Joskowski and Mosley, 2017). Even other research states that the reason for the non-decreasing number of sexual violence on campus is due to the racialized rape culture (Grundy, 2021). This means that a campus that teaches justice turns out to be an institution that perpetuates rape culture, and this is of course difficult to unravel, or change in a short time, bearing in mind that the concept of culture is not only in the form of behavior, but also in perspectives, values that have settled in nature. unconscious. Another implication of rape culture is that people who try to prevent and even empathize with victims face obstacles from other campus residents in fighting for victims' rights and pressing perpetrators to be sanctioned (Widiantini, 2021; Irianto, 2021).

Permendikbudristek No 30 of 2021 concerning the Prevention and Handling of Sexual Violence in Higher Education or abbreviated as PPKS in Higher Education, besides regulating the handling of cases of sexual violence it also regulates its prevention. Prevention is carried out through education, organization and strengthening community culture (Article 6 paragraph (1) letter c). The expected community culture is a gender-equitable community culture, which does not discriminate against differences in gender or body shape. It is hoped that this gender-equitable community culture will become a stronghold to prevent sexual violence. Community culture about justice and gender equality will be someone's entry point to fight or reject rape culture.

Article 57 paragraph (2) of the Minister of Education and Culture Regulation No. 30 of 2021 concerning the Prevention and Handling of Sexual Violence on Campuses states that no later than 1 year after the enactment of Permendikbudristek No. 30 of 2021, every tertiary institution must follow up by forming a task force for preventing and handling sexual violence. This provision serves as a coercion for organizers and managers of tertiary institutions not only to change existing governance in tertiary institutions but also to form regulations for handling and dealing with sexual violence at the campus level.

However, the signs to form the institution have not yet been seen. It is suspected that there were doubts on the part of the higher education leadership regarding the urgency of the existence of this institution considering that there were no cases of sexual violence that surfaced. In fact, several research results on cases of sexual violence are not easily revealed due to cultural aspects. As a result, stakeholders in tertiary institutions do not believe or do not recognize that sexual violence occurs on campus.

The absence of this acknowledgment may not simply mean that there are no cases that have surfaced, but that there is an assumption that sexual violence is a natural action for the perpetrator or a permissive attitude towards actions that have a sexual nuance. According to Lawrence Friedman, in his theory of the legal system or legal system, there are 3 sub-systems/elements that determine the validity of the law, namely legal substance, legal structure and legal culture (Friedman, 2021). The absence of one element will cause the system to not work. Likewise in the application of Permendikbudristek Number 30 of 2021 as a legal sub-system, it requires the presence of other sub-systems.

The facts that sexual violence is an embarrassing disaster for victims, but victims are blamed by their social environment, not to mention. sexual violence threatens the implementation of Tri Dharma activities or even the victim's academic achievements. This problem is the responsibility of organizers and managers of tertiary institutions to deal with the disasters experienced by victims and prevent other victims of sexual violence. Meanwhile the enactment of Permendikbudristek Number 30 of 2021 to prevent and deal with sexual violence on campus, will face obstacles if it refers to the theory of the legal system presented by Lawrence M Friedman, The existence of regulations alone is not enough, because for the operation of law as a system other elements are required, namely the legal structure and legal culture. Starting from the theory of the legal system and the facts of violence, a big question arises, how does the campus deal with sexual violence? The aim of this study is to describe sexual violence that students have experienced and the obstacles they face in dealing with sexual violence. These findings will be used to prove to stakeholders at the University that sexual violence exists, and it must be prevented from increasing and handled appropriately by victims and perpetrators.

METHODOLOGY

This legal research is normative legal research, which is legal research conducted by examining literature or secondary data. "Normative legal research is also called doctrinal legal research where the written law of Minister of Education and Culture Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence, is used as a guide to identify cases of sexual violence and the obstacles faced in handling cases of violence on campus where the perpetrators are the general public. The research was conducted at Slamet Riyadi University in 2022. The data used is secondary data in the form of legal and non-legal materials, as well as primary data in the form of verbal behavior from victims of violence. The collected data is analyzed using deductive logic,

which means using primary legal materials to identify cases of sexual violence that occurred on campus and the obstacles to handling them.

RESEARCH RESULT AND DISCUSSION

Efforts to gather information from victims of sexual violence are not easy, they are generally embarrassed to tell what happened. Likewise in this study, when researchers asked whether they had experienced certain events that were categorized as sexual violence according to Permendikbudristek No. 30 of 2021 concerning the Prevention and Handling of Sexual Violence in Higher Education, not all respondents wanted to tell, because they were embarrassed or afraid. Therefore, in this study, the researcher only got 12 respondents, both men and women, who wanted to tell about the misfortune they had experienced. Of the 12 respondents, there was 1 whose data was not directly obtained from the victim but was obtained from a key informant, namely the victim's legal assistant.

The operational definition of sexual violence used to measure sexual violence and its types is the formal definition of sexual violence according to Article 5 of Permendikbudristek No 30 of 2021, where the psychological and/or physical condition of the victim determines whether there is violence or not. Based on primary data from respondents and key informants, 12 students were found. The forms of sexual violence experienced by the 12 people were as follows.

Table 1. Forms of Sexual Violence That Occur on Campus

Case Number	Forms of Sexual Violence	Gender of the victim		Victim Response
		Female	Male	
Case 1	Invited to take a photo with the lecturer, then the photo is sent back to the students with an additional emoji; Invited to the lecturer room to see the grades, then invited to take a photo together again by the lecturer. The photo was sent to the victim with a heart emoji	√		Feeling uncomfortable, afraid that the picture will be misused by the lecturer. Victims also did not understand that what they experienced was sexual violence
Case 2	Got a certain title because of her large chest, became the butt of jokes by her male friends because of her physical shape. Often also stared at the chest both by friends and lecturers	√		Victims feel ashamed, and feel inferior because they feel that their body shape is not normal. In addition, the victim did not know that she was a victim of sexual violence
Case 3	Being joked by friends and lecturers because she is beautiful but thin. Often gets emoji love from his lecturer	√		Shame and sometimes want to be angry with his friends who make fun of him. Victims do not understand that they have

				experienced sexual violence
Case 4	He becomes the butt of jokes and is often teased by his friends because guys who are gentle are often called toxic masculinity		√	Angry, offended, often blame yourself
Case 5	Guys who are often teased by their girlfriends experience catcalling. Once forced to undress by a female friend.		√	Shame and anger at his friends who often interfere
Cases 6, 7 and 8	3 students each became victims of verbal sexual violence from their study program, the evidence is in the form of inappropriate chatter for fear of consequences for grades or graduation		√	Offended, angry, and understood that the victim had experienced sexual violence, that's why the victim told her activist friend. Activists have coordinated with BKBH ready to help victims. However, in the end the victim did not want the case to be brought to justice.
Case 9	Students who do internships at partner institutions of municipal government agencies, the form of violence is chat/oral invitations by their supervisors at the location of the internship. Invited directly to go home with a flirtatious tone, a touch of a hand. The sexual violence experienced was more verbal and dirty. He is also the subject of discussion among employees at partner agencies. The victim did not dare to report to the faculty		√	Angry, irritated, scared. The victim had never reported it to a lecturer or campus person for fear of not being trusted. He did not understand that he had experienced sexual violence, this happened in 2021.
Case 10	Female students who are in the Real Work Lecture program online sexual violence in the form of demonstrating the village youth's genitals and lurah seduction during the Real Work Lecture program.		√	Angry, embarrassed. The victim had never reported it to a lecturer or campus person because of embarrassment. This happened in 2021. The victim did not understand that he had experienced sexual violence.
Case 11	Female students who experience sexual violence in the form of		√	Angry and feeling threatened. The victim

	seduction, invitations to make love online from fellow faculty members of the Real Work Lecture program are different from victims.			thought this was a distraction, and did not know that he was experiencing sexual violence. His friends were aware of the disturbance, but no one reported it to the Field Supervisor (DPL) or the Faculty leadership.
Case 12	Female students experience sexual violence, are trapped in repeated forced sexual intercourse by their boyfriends because of the threat of spreading photos of the victim during sexual intercourse; requested by the leadership of the university, the perpetrator not to report his case to the leadership of the university	√		Angry, aware of being a victim of her boyfriend's sexual exploitation, but did not report it to the campus leadership or parents. Assisted by a friend, he reported to the Legal Aid Institute, the perpetrator's campus had resolved it, and the perpetrator's campus management asked the victim not to tell the victim's campus leadership, because it would damage the good relations between the two campuses.
Case 13	Female College Students experienced sexual violence in the form of repeated chats with sexual nuances and invitations to sit together by village officials. The victim was also blamed by her fellow participants in the Field Work Lecture, for being considered coquettish when she hosted the August 17 (Indonesian Independence Day) event in the village where the Field Work Lecture was located.	√		Victims feel offended and angry. It so happened that the victim realized that she was experiencing sexual violence, so she immediately blocked the perpetrator's phone number. He was worried that the perpetrator would not be given value as the head of the village.

Source: Widiastuti, 2022

The above description of the identification of events experienced by students that make them insecure, angry, embarrassed, can be categorized as sexual violence. This situation proves that on the campus where the research was conducted there were cases of sexual violence experienced by students and carried out by men or women, or in other words, both victims and perpetrators of sexual violence could be men or women.

The data from Table 1 above also illustrates that victims of sexual violence on campus include female students and university students, however, the number of female students who are victims of sexual violence is higher than that of university students. As for the forms of sexual violence experienced by students, if studied according to Permendikbudristek No 30 of 2021, it can be categorized as follows:

1. The non-physical violence in the form of taking photos experienced by the victims of case 1 actually cannot be categorized as a form of sexual violence as stipulated in Article 5 paragraph (2) of the Minister of Education and Culture. However, when referring to the notion of sexual violence as stipulated in Article 1 number 1, which states that "sexual violence is any act of humiliating, humiliating, harassing, and/or attacking a person's body, and/or reproductive function, due to an imbalance in power relations and/ or gender, which results in or can result in psychological and/or physical suffering, including those that interfere with a person's reproductive health and lose the opportunity to carry out higher education safely and optimally", then ask for a photo together with the perpetrator, then the photo is sent back by the perpetrator to the victim with the emoji love that makes the victim afraid can be categorized as violence.
2. Verbal violence in the form of ridicule, ridicule experienced by victims of cases 2, 3, 4, 6, 7 and 8 fulfills the elements of Article 5 paragraph (2) letter a of Minister of Education and Culture Regulation No. 30 of 2021, namely the victim receives speech that discriminates or harasses physical appearance, body condition, and/or gender identity of the victim. In cases 6, 7 and 8 verbal violence was carried out by the perpetrator via WhatsApp chat. The perpetrators are not only fellow students but also lecturers. Particularly for victims of case 2, they not only received verbal sexual violence as regulated in Article 5 paragraph (2) letter a, but also experienced sexual violence regulated in Article 5 paragraph (2) letter d, namely stares at the victim with sexual overtones and/ or uncomfortable. This means that the victim in case 2 experienced more than 1 type of sexual violence.
3. Non-physical violence in the form of catcalling or teasing or being asked to tease/dating the perpetrator was experienced by the victim in case 5, fulfilling the elements of Article 5 paragraph (2) c, namely accepting remarks that contain seduction, jokes, and/or whistling with sexual nuances to the victim.
4. Non-physical violence in the form of inducements from unscrupulous apprentice assistants from partner agencies to date and carry out sexual transactions was experienced by victims of case 9, this fulfills the elements of Article 5 paragraph (2) j namely persuading, promising, offering something or threatening the victim to do something transactions or sexual activities that are not approved by the victim. In addition, the victim in case 9 also experienced sexual violence as regulated in Article 5

paragraph (2) letter l, namely the perpetrator touched, rubbed, touched, held, hugged, kissed and/or rubbed his body parts on the victim's body without the victim's consent.

5. Non-physical violence was experienced by the victims of case 10 in the form of receiving images of the perpetrator's genitals sent via WhatsApp. The sexual violence experienced by the victim in case 10 fulfills the elements of Article 5 paragraph (2) letter e, namely sending messages, jokes, pictures, photos, audio and/or videos with sexual nuances to the victim even though the victim has forbidden it. In this case the victim experienced sexual violence from two perpetrators apart from the village youth, he was also harassed by the village head who sent messages of a sexual nature.
6. Non-physical violence was experienced by the victims of case 11 in the form of seduction, solicitation of offers via WhatsApp chats to date and have sexual transactions with the perpetrators. The sexual violence experienced by the victim in case 11 fulfills the elements regulated in Article 5 paragraph (2) letter n, namely persuading, promising, offering something, or threatening the victim to carry out sexual transactions or activities that the victim does not agree with.
7. Physical violence in the form of coercion of repeated sexual transactions by her boyfriend was experienced by the victim of case 12, with the threat that pictures of the victim would be distributed during sexual activities if the boyfriend did not comply. What the boyfriend who came from another university did fulfills an element Article 5 paragraph (2) letter n, namely forcing the victim to carry out sexual transactions or activities.
8. Non-physical violence was experienced by the victims of case 13 in the form of receiving messages inviting them to sit down or go out together with sexual nuances from the perpetrators sent via WhatsApp. The sexual violence experienced by the victim in case 10 fulfills the elements of Article 5 paragraph (2) letter e, namely sending messages, jokes, pictures, photos, audio and/or video with sexual nuances to the victim even though the victim has forbidden it. Apart from experiencing sexual violence from the perpetrator, she also experienced bullying from her fellow participants in the Community Service Program (KKN) because her words when she hosted the event were too flirtatious so it was only natural that she became the target of sexual violence.

Among the 13 respondents who provided information, only 5 people knew that the perpetrator's actions against him were included in the category of sexual violence, while 7 victims did not know that they had experienced sexual violence, 1 person doubted whether what they experienced could be categorized as sexual violence. The five students who knew that what they experienced was sexual violence were victims 6, 7, 8, 12 and 13. The proof is that they had the intention to report the perpetrator's actions to the authorities, both at the campus level and off campus, but unfortunately at the university where this research was conducted there is no Task Force that deals with sexual violence, so the victims

of cases 6,7 and 8 have no resolution. Specifically for victim 13, because he understood the sexual violence he had experienced, he blocked the perpetrator's phone number after repeatedly receiving chats with sexual nuances. Victim 13 did not report the disaster he experienced to the university leadership because he knew that the university did not have an institution that specifically deals with sexual violence.

Victims of case 12, assisted by a gender-aware community, reported the sexual violence they experienced to a non-governmental organization that specifically provides assistance to women victims of gender-based violence. This NGO in Surakarta provided legal assistance to the victims of case 12 to report the perpetrators to the task force of the university where the perpetrators came from, and the perpetrators were sentenced to read the Koran for 1 semester.

Meanwhile, in terms of perpetrators of sexual violence, there are 2 things that can be noted, namely first, related to the status of the subject including students, educators and the community who interact with students when carrying out the *Tridharma*. villages, as well as village heads who commit violence against victims who are apprentices and real work colleges (KKN). Second, with regard to the position of the perpetrator and the victim, most of them were in power relations with the victim, for example victims of sexual violence by lecturers, male friends, apprentice counselors from partner agencies, village heads where the victims were apprenticed, and victims whose boyfriends forced them to have sexual intercourse. Sources of power here include fear of lecturers, fear of village heads or apprentice advisers.

Meanwhile, the power relationship in the case of victim 12 was a power relationship that was originally based on love, turned into fear because of the threat of spreading photos of the victim's sexual transactions. Besides that, the existence of rape culture also makes gender-based sexual violence something that is considered normal by campus residents or the general public who are involved in the implementation of the *Tridharma* (There are three obligations in higher education. The three obligations consist of 3 points, namely Education and Teaching, Research and Development, and Community Service). The habit of lecturers, fellow students, and the general public commenting on body shape or teasing, threatening, forcing their students either directly through social media is considered a normal thing for men to do, and women are also positioned as victims. This is also the case with village youths who commit violence against KKN female students, a power relationship arises because perpetrators perceive sexual violence as something that is commonplace for women. These findings reinforce the opinion that sexual violence occurs because of rape culture, a culture that glorifies masculine domination and sexual violence in everyday life (Hermans, 1989).

Turning to the obstacles faced in handling cases of sexual violence, the task force for the Prevention and Handling of Sexual Violence (PPKS) has not yet been formed means that victims do not know where to report, therefore in the case experienced by the victim of case 12, he asked for legal assistance from an NGO to report the perpetrators to the head of the university where the perpetrators come from. Some victims also did not report to the faculty leadership or anyone representing the university because they were embarrassed if other people found out.

The absence of the PPKS task force until mid-2022 means that Permendikbud Number 30 of 2021 cannot be implemented. In the perspective of Friedman's legal system theory, the PPKS task force can be categorized as a legal structure that functions to enforce the law (Friedman, 2021). Not to mention being pleased with the legal culture of campus residents who are still colored by patriarchal culture will be another obstacle in implementing the Permendikbud.

Another obstacle, as mentioned above, is that in cases of sexual violence where the victim is a college student and the perpetrator is a student from another university or a member of the general public, the higher education institution from which the victim belongs cannot impose sanctions on the perpetrator, as in cases 10, 12 and 13. Even if Permendikbudristek Number 30 of 2021 does not limit the location of sexual violence or the location can be anywhere as long as it is within the framework of implementing the *Tridharma*, but this regulation does not give the authority of the victim's university to examine perpetrators who come from other than the victim's university of origin. Permendikbudristek No 30 of 2022 only regulates the position of campus residents and the general public as victims, but does not regulate them as perpetrators of sexual violence in tertiary institutions. In Article 22 it is stated that "in the event that a victim or witness has the status of the general public, tertiary institutions can provide assistance, protection and/or recovery for victims or witnesses by involving agencies in charge of handling sexual violence or institutions providing services for handling victims of sexual violence".

However, in Permendikbudristek No. 30 of 2021 there is no article which stipulates that the perpetrators of sexual violence are campus residents who are not lecturers or education staff or the general public, or that universities are not given the authority to examine or impose sanctions on campus residents or community members. general non-academic community. This situation made it difficult for the campus to resolve cases 10. 12 and 13 where the supervisor was an apprentice from a partner agency or village youth or village head where the KKN was located. Perpetrators who are included in this group category are difficult to reach with Permendikbudristek No 20 of 2021. Because this regulation does not regulate how to impose sanctions on perpetrators of sexual violence who come from campus residents and the general public. However, there is a possibility that perpetrators of sexual violence from the general public will be subject to Law No. 12 of 2022 concerning Crimes of Sexual Violence. Village youths who send pictures of genitalia can be subject to Article 14 paragraph (1) letter a of Law No. 12 of 2022 concerning Crimes of Sexual Violence. The article stipulates that "everyone without the right to transmit electronic information

and/or electronic documents that have sexual content against the will of the recipient aimed at sexual desire is punished for committing electronic-based sexual violence, with a maximum imprisonment of 4 (four) years and/or a maximum fine of Rp. 200,000,000 (two hundred million rupiah).

Specifically for case 12, the perpetrator was a student from another university, but the case was resolved by the perpetrator's campus management. The handling of case 12 by the perpetrator campus could occur because the campus was given authority by Permendikbukristek No 30 of 2021 to deal with academics who became perpetrators of sexual violence, while the victims came from other campuses. The victim was actually not included in the category of campus residents or the general public who interacted with the academic community in the context of implementing the *Tridharma*, but the perpetrator's campus task force handled the case experienced by the victim and imposed sanctions on the perpetrator. The sanctions imposed on the perpetrators were in the form of a suspension for 1 semester and the obligation to read the Koran for 1 semester, while the perpetrator's campus did not provide protection or recovery to the victim.

In addition to the absence of the PPKS task force, the perpetrators cannot be reached by the campus authorities, as well as the lack of Permendikbudristek No. 30 Tahun 2021, which only gives an obligation to the offender's campus to provide protection for victims whose status is campus communities or the general public where the *Tridharma* is implemented, but does not regulate protection for the victim is a student from another university. What was interesting in the handling of this case was the burden that the perpetrator's campus placed on the victim who came from another campus, namely the perpetrator's campus request that the victim not report to the leadership of the campus where the victim studied, the reason being that he was worried it would damage good relations between campus leaders. In this case the victim becomes another victim of imagery for the educational institution, power relations are also present here because the educational institution which incidentally is bigger tries to influence the victim so that the victim follows the will of the management of the institution even though the victim is not a student of the institution concerned. In power theory, explaining that power has the ability to influence other people to follow power holders (Soekanto, 1986), even if the victim is not a subordinate or student of the educational institution, sociologically the position of the institution is stronger than the victim, besides that the element of suppressing the victim is by indoctrinating "a sense of embarrassment of the victim" if other parties find out about the case, it becomes a source of the victim's obedience to the university where the perpetrators of sexual violence come from.

CONCLUSIONS AND RECOMMENDATIONS

At Slamet Riyadi University there were cases of sexual violence that befell female and university students. The number of female students who are victims of sexual violence is more than university students. Obstacles in handling cases of sexual violence that occurred on campus because apart from not having a PPKS task force, they were also due to the strong patriarchal culture and rape culture among campus residents. In addition, Permendikbud Number 30 of 2021 still contains weaknesses because it does not give authority to the university from the victim to conduct examinations of perpetrators who come from the general public, even if sexual violence is carried out in the framework of the victim carrying out the *Tridharma* (There are three obligations in higher education. The three obligations consist of 3 points, namely Education and Teaching, Research and Development, and Community Service).

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