



## The Implementation of Permendikbudristek Number 30 of 2021 Concerning Prevention and Handling of Sexual Violence in Higher Education at Universitas Slamet Riyadi Surakarta

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### ABSTRACT

This study aims to increase knowledge of participants/community related to violence, especially sexual violence in university, to provide information about Permendikbud Number 30 of 2021 and its implementation, to know the views of academics and experts regarding important points in the regulation, to map challenges and hopes for the prevention of sexual violence and to make a framework based on community needs related to safe spaces, especially in educational settings. The results of the analysis have not found a decision or policy from the Universitas Slamet Riyadi Surakarta regarding sexual violence as a form of implementation of this policy regarding student behavior in the campus environment. In addition, a special committee has not been formed to enforce this policy on campus, there is only a community of students who are concerned with issues related to sexual violence and gender equality.

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## **INTRODUCTION**

As we know recently, universities in Indonesia are experiencing a crisis of justice for victims of sexual violence cases that have occurred on their campuses. Mass media coverage regarding cases of sexual violence that occurred in universities in various regions in Indonesia is increasingly emerging. Sexual violence is a crime phenomenon whose truth is difficult to reveal (Ramadhan & Besila, 2019). Referring to a survey conducted by the Ministry of Education and Culture in 2020, as many as 77% of lecturers in Indonesia said that sexual violence had occurred on campus (Kementerian Pendidikan Kebudayaan Riset dan Teknologi Republik Indonesia, 2021). However, 63% of them did not report the incident because they were worried about negative stigma. In addition, data from the National Commission on Women shows that there were 27% of complaints of sexual violence within tertiary institutions, based on a report released in October 2020 (BBC Indonesia, 2021). According to the Minister of Education, Culture, Research and Technology, Nadiem Makarim, the cases of sexual violence that have so far been uncovered on campuses are only "the tip of the mountain." es" of tens of thousands, even hundreds of thousands of actual cases. Meanwhile, universities are often confused about handling reports of sexual violence because previously there were no clear rules and guidelines regarding this matter.

The issuance of the Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 (Permendikbud) concerning the Prevention and Handling of Sexual Violence is seen as a progressive step by a number of parties amid concern over the high level of sexual violence in tertiary institutions. Minister of Education, Culture, Research and Technology Nadiem Makarim said this regulation was a response to anxiety in the campus environment over the increase in cases of violence. Referring to a survey conducted by the Ministry of Education and Culture in 2020, as many as 77% of lecturers in Indonesia said that sexual violence had occurred on campus. However, 63% of them did not report the incident because they were worried about negative stigma (Safitri, 2021).

In addition, data from the National Commission on Women shows that there were 27% of complaints of sexual violence within the university sphere, based on a report released in October 2020. According to Minister Nadiem, the cases of sexual violence that have so far been uncovered on campuses are only the "tip of the iceberg" out of tens of thousands, even hundreds of thousands of cases that actually happened. Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 defines sexual violence very clearly as the focus of the discussion. In the Minister of Education and Culture, the protection and rights of victims are a top priority (Chandra, 2021). Nadiem

Makarim emphasized that this Permendikbud is a means of protecting victims and preventing the continuation of cases of violence they have experienced. It is explained more clearly that "to prevent and deal with sexual violence, the Permendikbud uses the principles of best interests for victims, justice and gender equality, equal rights and accessibility for persons with disabilities, accountability, independence, prudence, consistency, and guarantees of non-recurrence" (Ramadani & Yuliani, 2017).

All elements in the Higher Education Environment, both students and educators, are targeted according to what is contained in article four of this Permendikbud. Meanwhile, universities are often confused about handling reports of sexual violence because previously there were no clear rules and guidelines regarding this matter. This provides legal certainty for higher education leaders to take firm steps," said Nadiem. Through this regulation, campuses are required to form a Task Force for the Prevention and Handling of Sexual Violence. Women often experience violence, where violence experienced by women is a social phenomenon that cannot be hidden anymore because it has become an inseparable part of human life (Dewi & Santiago, 2021). Violence against women can result in emotional, psychological, sexual, physical and/or material damage. Violence against women can be done individually or in groups (Sharma et al., 2019).

Permendikbud 30/2021 is actually here to fill the legal vacuum regarding the rampant cases of sexual violence on campus which cannot be reached by the Law on the Elimination of Domestic Violence (PKDRT, *Penghapusan Kekerasan Dalam Rumah Tangga*), the Child Protection Law, and the Law on the Crime of Trafficking in Persons (Permendikbud 30/2021). This is because students whose average age starts from 18 years are no longer classified as children to be protected by the Child Protection Act. The majority are also not married to be able to refer to the PKDRT Law (Adiputra et al., 2022). This Permendikbud is the answer to this void to create a safer space for all parties in tertiary institutions.

Specifically explained in Article 5 of this Permendikbud there are 21 various kinds of sexual violence (Marune, 2021). Everything that includes actions verbally or verbally, physically and non-physically, as well as actions carried out through information and communication technology are classified as sexual violence. Forms of sexual violence in words or deeds through information and communication technology are included because they are often considered trivial, but in reality it greatly impacts the psychology of the victim and can limit the right to education or academic work. It is an obligation for tertiary institutions to provide assistance to victims, impose sanctions on

perpetrators, and recover victims according to articles 10 to 19, in terms of handling reports of sexual violence contained in articles 10 to 19.

Higher Education Leaders, both Chancellors and directors, are also required to carry out regular monitoring and evaluation on a regular basis both all activities related to preventing and handling sexual violence and the performance of the task force itself. Based on Article 54 of the Minister of Education and Culture Number 30 of 2021, the mechanism for reporting the results of monitoring and evaluation is carried out every semester which contains activities to prevent sexual violence, results of a task force survey, reporting data, activities to handle sexual violence, and activities to prevent recurrence of sexual violence (Farisa, 2021). Nadiem has also explained that in order to reduce administrative burden, the monitoring and evaluation results reporting system can be done online.

The problem of sexual violence is more a form of violence that touches human dignity and can be categorized as an extraordinary crime (Aminudin, 2022). It is necessary to introduce the Minister of Education and Culture on the basis of the absence of a definite law to carry out the prevention and treatment of victims of sexual violence in higher education. Thus, the promulgation of this ministerial regulation can be used as a guarantee for the existence of a law to act on cases of sexual violence. For this reason, it is necessary to socialize evenly and thoroughly about this Permendikbud to jointly combat cases of sexual violence.

The targets of the Prevention and Handling of Sexual Violence according to the Minister of Education and Culture include: Students; Educator; Education Personnel; Campus Citizens; and the general public who interact with students, educators, and educational staff in implementing the Tridharma (Istiadah et al., 2020). Upholding justice for victims of acts of sexual violence, as well as imposing strict sanctions or punishments for perpetrators is the hope of all elements of Indonesian society. If sexual harassment is not prevented, then what will be the fate of human civilization, because the source of civilization itself is not given protection and handling, how can justice be fully upheld if the victims of these crimes are instead blamed.

The issuance of this Permendikbud is a breath of fresh air for the entire academic community of universities in Indonesia (Nurhaliza & Ruhman, 2022). With the Minister of Education and Culture and Research and Technology, it is expected that upholding regulations as well as implementation can be carried out in all universities in Indonesia. As a tertiary institution that aims to become a superior university in mastering science, technology and art based on religious values.

Seeing the urgency regarding this problem, in fact at Slamet Riyadi University (UNISRI) Surakarta there is a community called the Kayoman Mudo Setoro Community. This community, initiated by and consisting of students from various faculties at UNISRI Surakarta, is an association of young people who move on the basis of anxiety and awareness that is felt regarding sexual violence and gender equality in the campus environment. Furthermore, in achieving this goal, this community adheres to the 3M principle (Protect, Protect, Advocate) for survivors of sexual violence without discrimination. Allied and compatible in creating safe and gender-friendly spaces.

From the background mentioned above, the problem discussed in this research is how is the implementation of Permendikbudristek Number 30 of 2021 Concerning the Prevention and Handling of Sexual Violence in Higher Education, especially at Slamet Riyadi University (UNISRI) Surakarta?

## **METHODOLOGY**

The method used in this research is descriptive qualitative method. The research was conducted using data sources from interviews, laws, ministerial regulations, journal articles and online articles that have attachments in accordance with the research theme. Data collection related to sexual violence, violations in the world of higher education and the handling of cases of sexual violence were also carried out critically. Descriptive research is research that has the goal of describing a population, condition or event in a systematic and accurate manner (Sugiyono, 2017). This research can answer questions like what, where, when and how, but cannot answer why. To get the expected conclusion, the researcher analyzed all the data that had been obtained to be described in a narrative manner in accordance with the research objectives (Creswell, 2018). Then the results of the data that have been collected will be analyzed in accordance with the objectives of the research focus as a writing guide which can then be drawn a conclusion from the analysis (Creswell & Creswell, 2018). So the purpose of this descriptive research is to make descriptive notes about structured representations related to the implementation of Permendikbudristek Number 30 of 2021 Concerning the Prevention and Handling of Sexual Violence in Higher Education, especially at Slamet Riyadi University (UNISRI) Surakarta. To obtain a precise description of a population, describe the procedure for a relationship. Make thorough explanations in the form of numbers or verbal, provide data from the basis of a relationship and create a classification tool for research subjects.

## **RESULT AND DISCUSSION**

Acts of violence against women can occur in various environments such as the household, family, community, and also in the school, college, and workplace environment (Lloyd, 2018). There is even violence against women in the household, violence during courtship, violence in public spaces, and the state often commits violence.

The impact of violence on women includes reducing women's self-confidence, interfering with women's ability to participate in social activities, disrupting health, reducing women's autonomy in various fields such as economics, politics and culture (Rugebregt, 2022). Therefore, the state is obliged to provide protection for all Indonesian citizens without exception, including women. Various forms of violence against women are considered weak compared to men, making women one of the objects or targets of crime. Violence for women varies from physical, psychological, economic, to sexual violence (Alkan et al., 2021).

In terms of handling reports of sexual violence contained in Articles 10 to 19. What is meant is namely (Kristina, 2021): 1) Accompaniment, assistance to victims can take the form of counseling, providing health services, guaranteeing legal assistance, advocacy, and providing social or spiritual guidance by universities; 2) Protection, the protection in question is a guarantee of continuing education for students and employment for educators, protecting the confidentiality of identities, conveying information about protection rights and facilities along with access to their implementation, providing safe houses, protecting victims from criminal charges, victim's freedom, as well as witnesses from threats related to the testimony given; 3) Imposition of administrative sanctions, administrative sanctions are given if the perpetrator has been proven to have committed sexual violence. Sanctions must also be approved in advance by higher education leaders according to directions from the Task Force which are proportional and fair and do not override other regulations. Sanctions are divided into three categories, namely light sanctions, moderate sanctions, and severe sanctions. After carrying out the sanction, the perpetrator must attend counseling at an institution so that a report from the results of the counseling can be used as a tertiary institution leader to issue a statement that the perpetrator has carried out the sanctions imposed; 4) Victim recovery, in dealing with the recovery of victims, the involvement of medical personnel, psychologists, religious leaders, and assisting institutions is an absolute must. The victim's recovery period should also not reduce the right to learning or employment. The victim's recovery is carried out based on the victim's consent, except in the event that the victim experiences secondary traumatic stress, it can be given only based on the witness's consent.

The basic concept that is the core of this Permendikbud is contained in Article 14 which explains the orientation of imposing sanctions on perpetrators based on the impact received by victims and the campus environment, not towards the perpetrators themselves (Fakultas Hukum Universitas Muhammadiyah Sumatera Utara, 2021). As a follow-up to this ministerial regulation, the formation of a Task Force must be carried out by all tertiary institutions in Indonesia in accordance with a predetermined time period. The task force to be formed will go through a selection stage consisting of educators, educational staff, and students with due regard to the representation of women's membership, at least two-thirds of the total members. If during the time the Task Force was formed there was an act of sexual violence, then the university can quickly and decisively report the case through the LAPOR platform. Which later, the ministry will decide what steps the university can take. The task force that has been formed based on the mandate of the *Pencegahan dan Penanganan Kekerasan Seksual (PPKS, Prevention and Handling of Sexual Violence)* Ministerial Regulation can work together in terms of providing protection for victims and/or witnesses who report sexual violence. This is important considering the tasks and powers of the task force are quite numerous and risky in handling cases of sexual violence in tertiary institutions (Fisipol Universitas Gadjah Mada, 2021).

The basic rights and obligations of citizens have been guaranteed by the state, therefore the state also has rights and obligations to all citizens without exception to comply with and obey the laws and regulations that apply to all aspects of life in society, nation and state. One of these aspects is community members in tertiary institutions. Violations and crimes also occur in universities in Indonesia, such as crimes of sexual violence (Handayani et al., 2019). Therefore, various efforts need to be made so as not to have a negative impact on the quality of tertiary institutions with the aim of preventing violence and sexual harassment against students within the campus environment (BEM Fikom Unpad, 2021).

The Minister of Education, Culture, Research and Technology of the Republic of Indonesia, Nadiem Makarim, issued Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence, which was born and based on the many reports or complaints about sexual harassment committed by lecturers, staff and officials at college to students (Senjaya, 2021). Even the Minister of Religion also supports the existence of these laws and regulations.

Regarding acts of sexual violence on campus, there is a community formed by a student initiative called the Mudo Setoro Community at Slamet Riyadi University (UNISRI) Surakarta. This community aims to combat sexual

violence and create gender equality on campus. Furthermore, in achieving this goal, this community adheres to the 3M principle (Protect, Protect, Advocate) for survivors of sexual violence without discrimination. Researchers have socialized the Minister of Education, Culture, Research and Technology Regulation Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence to the student community in the form of interactive discussions (Ilyasa, 2021).

This becomes an important basis for what can be called sexual violence and how to protect oneself from acts of sexual violence as well as how to deal with sexual violence within the scope of higher education (Rahayu et al., 2017). On another occasion, a more comprehensive outreach was also carried out which involved campus elements other than students, namely educators, education staff, and campus residents. Apart from that, the existence of posters and standing banners on the prevention of sexual violence which were placed at strategic points in the campus environment further optimized the socialization. These actions are a progressive step to prevent acts of sexual violence from an early age within Slamet Riyadi University, Surakarta.

These things need to be done especially considering that the campus environment is a place for psychological development for students when faced with problems, one of which is the problem of sexual violence. In addition to the need for sex education, assistance or counseling is also needed for students. The formation of a special counseling institution related to the prevention of sexual violence in the campus environment needs to be pursued so that the enforcement of the Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence is more optimal. The establishment of this counseling unit/institution must of course be supported by well-trained resources so that victims receive appropriate treatment and do not experience treatment that can further harm them (for example feeling not trusted or having doubts about their statements, feeling humiliated, feeling blamed, or asked to compromise in order to maintain the good name of the institution or perpetrator) (Biro Hukum dan Humas Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2022).

The goals of the Prevention and Handling of Sexual Violence according to the Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence are students, educators, education staff, campus residents and the general public who interact with students, educators, and education staff in implementing Higher Education Tridharma. Upholding justice for victims of acts of sexual violence, as well as imposing strict sanctions or punishments for

perpetrators is the hope of all elements of Indonesian society. If sexual harassment is not prevented, then what will be the fate of human civilization, because the source of civilization itself is not given protection and handling, how can justice be fully upheld if the victims of these crimes are instead blamed.

## CONCLUSION

Based on the discussion above, it can be concluded that the form of prevention of sexual violence within Slamet Riyadi University, Surakarta can be done by conducting socialization and education about sexual violence as well as contained in the Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 concerning Prevention and Handling of Sexual Violence. . The absence of optimal implementation of Permendikbud Number 30 of 2021 concerning Prevention and Handling of Sexual Violence at Slamet Riyadi University, Surakarta, is the joint task of the entire academic community.

Therefore it is necessary that there is an immediate positive response from Salmet Riyadi University in Surakarta to make clear decrees, policies and regulations regarding the Prevention and Handling of Sexual Violence in Higher Education Environment as a form of implementation of this ministerial regulation. Another thing that needs to be done is the provision of counseling services and/or health services, as well as legal aid institutions that are competent in handling cases of sexual violence so that the implementation of the Minister of Education and Culture Regulation Number 30 of 2021 Prevention and Handling of Sexual Violence and the Law on Crime of Sexual Violence is more optimal.

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