

RIGHTS AND POLICIES FOR WOMEN TO BE PROTECTED FROM SEXUAL VIOLENCE IN OBTAINING EDUCATION AT UNIVERSITIES

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Article	Abstract
<p>Keywords:</p> <p>Sexual Violence; Rights; Policies; Woman's College.</p> <p>DOI: 10.28946/scls.v3i1.4773</p>	<p>Based on data from the National Commission on Violence Against Women in 2020, of the total cases of violence in the educational environment, 88% were cases of sexual violence. Higher education is the level of education with the highest percentage of sexual violence incidents, namely 35%. Women are the gender that is more often the victim of sexual violence, while based on human rights, women and men should have equal opportunities to get an education. To provide equal educational opportunities, Regulation of the Ministry of Education, Culture, Research, and Technology of Indonesia (Permendikbudristek) number 30 of 2021 has been formed which regulates the prevention and handling of sexual violence, called PPKS in the higher education environment with the implementation of the formation of the PPKS Task Force (Satgas PPKS). However, this does not directly eliminate cases of sexual violence that occur in universities, in fact, until now there are still cases of sexual violence in various universities. Women are still easy targets for sexual violence. This study aims to identify the causes and problems of sexual violence against women and how to create appropriate policies in the educational environment so that it is safe and comfortable so that women no longer have a sense of worry. This study uses qualitative research methods to gain an in-depth and comprehensive understanding of acts of sexual violence and the formulation of appropriate policies in certain higher education environments related to the creation of a safe and comfortable educational environment.</p>

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A. INTRODUCTION

Sexual violence is currently the focus of various problems in the world of education. The world of education is a place for all students to gain knowledge and develop their potential, but later it has become a place that cause concern for students, educators, agencies, and the community. At the level of higher education, based on the latest survey, it is ranked third as a space for sexual violence to occur under public spaces and public transportation.¹ Sexual violence is currently very close to learning activities in universities, many spaces provide opportunities for sexual violence to occur such as lectures, guidance, internships, independent campus programs, orientation activities, student activities, and other activities if they are not regulated by policies or regulations.

Based on data from the National Commission for Women in 2020, of the total cases of violence in the education environment, 88% were cases of sexual violence. Higher education is the level of education with the highest percentage of sexual violence incidents at 35%.² Women are the gender that is more often victims of sexual violence, while based on human rights, women and men should have equal opportunities to get education. Meanwhile, women who are victims of sexual violence often experience social stigma, psychological trauma, and structural barriers that cause them to be hindered in accessing equal education. This is because social structures and educational policies sometimes fail to provide adequate protection and support for victims of sexual violence. In fact, the Law on Sexual Violence (TPKS Law) No. 12 of 2022 states that it guarantees the rights of victims of sexual violence in education, recovery services, and protection. Based on the latest data from the National Commission on Women, the number of violence against women in 2023 is recorded as many as 289,111 cases.³ Although since 2022, the number of cases has decreased by 12%, the figure is still relatively high. Of these cases, the largest number of violence is sexual violence against women, which is 34.80%. Based on the review of educational backgrounds, it is known that the majority of victims have a high school background in 1,721 cases and 892 cases in higher education. The majority of the education of violent perpetrators has high school education as many as 1,582 cases and higher education as many as 791 cases. In addition to cases in the educational environment, sexual violence also occurs in the digital or online space. The development of technology is expected to help learning but also become a source of problems related to the issue of online-based sexual violence.

Based on Komnas Perempuan data from 2018-2021, it is known that 9% of perpetrators of sexual violence cases come from those who are supposed to be protectors for the

¹ Komnas Perempuan, "CATAHU 2020: Kekerasan Terhadap Perempuan Meningkat – Kebijakan Penghapusan Kekerasan Seksual Menciptakan Ruang Aman Bagi Perempuan Dan Anak Perempuan: Catatan Kekerasan Terhadap Perempuan Tahun 2019," Komnasperempuan.go.id, 2020, <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>.

² Badan Pusat Statistik, *Statistik Gender Tematik: Mengakhiri Kekerasan Terhadap Perempuan Dan Anak Di Indonesia* (Jakarta: Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2017).

³ Komnas Perempuan, "LEMBAR FAKTA: Catatan Tahunan Komnas Perempuan Tahun 2023 'Momentum Perubahan: Peluang Penguatan Sistem Penyikapan Di Tengah Peningkatan Kompleksitas Kekerasan Terhadap Perempuan,'" Komnasperempuan.go.id, 2024, <https://komnasperempuan.go.id/download-file/1085>.

community, namely civil servants, lectures, village heads.⁴ This can indicate that the educational environment is supposed to be a safe place for woman to receive education but is a place where sexual violence occurs. In response to the rampant cases of sexual violence in university, the Ministry of Education, Culture, Research, and Technology issued regulation number 30 of year 2021 concerning the Prevention and Handling of Sexual Violence in the Higher Education Environment (Permendikbudristek No. 30 Tahun 2021). The implementation is the establishment of a Task Force that specializes in carrying out activities to prevent and handle sexual violence until the creation of campus that is free from sexual violence.

Based on Article 1 number 1 of the Minister of Education and Culture Regulation No. 30 of 2021, what is meant by Sexual Violence is "any act of degrading, insulting, harassing, and/or attacking a person's body, and/or reproductive function, due to inequality in power and/or gender relations, which results 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". Furthermore, in Article 5 paragraph (2) of Permendikbudristek No. 30 of 2021, sexual violence includes actions carried out verbal, non-physical, physical, and/or through information and communication technology. Sexual Violence as meaning includes:⁵

1. convey speech that discriminates or harasses the physical appearance, body condition, and/or gender identity of the victim;
2. showing his genitals deliberately without the consent of the Victim;
3. conveying words that contain sexual seductions, jokes, and/or whistling to the Victim;
4. staring at the victim with sexual and/or uncomfortable nuances;
5. send messages, jokes, pictures, photos, audio, and/or videos of sexual nuances to the Victim even though the Victim has been prohibited;
6. taking, recording, and/or circulating photos and/or audio and/or visual recordings of the Victim that are of a sexual nuance without the Victim's consent;
7. upload photos of the victim's body and/or personal information that are sexual nuanced without the victim's consent;
8. disseminating information related to the Victim's body and/or personal that is of a sexual nuance without the Victim's consent;
9. peeping or deliberately seeing the Victim who is doing activities privately and/or in a private space;
10. persuade, promise, offer something, or threaten the Victim to engage in sexual transactions or activities that are not approved by the Victim;
11. giving punishments or sanctions that are sexual in nature;

⁴ Komnas Perempuan, "Siaran Pers Komnas Perempuan Tentang Peluncuran Catatan Tahunan Kasus Kekerasan Terhadap Perempuan Tahun 2023 'Momentum Perubahan: Peluang Penguatan Sistem Penyidikan Di Tengah Peningkatan Kompleksitas Kekerasan Terhadap Perempuan,'" Komnasperempuan.go.id, 2024, <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-tentang-peluncuran-catatan-tahunan-kasus-kekerasan-terhadap-perempuan-tahun-2023>.

⁵ Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia, "Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia Nomor 30 Tahun 2021 Tentang Pencegahan Dan Penanganan Kekerasan Seksual Di Lingkungan Perguruan Tinggi," Pub. L. No. 1000 (2021).

12. touching, rubbed, fingering, hold, embrace, kiss and/or rubbing his body parts on the victim's body without the victim's consent;
13. undressing the victim's clothes without the victim's consent;
14. forcing the victim to carry out sexual transactions or activities;
15. Practicing the community culture of Students, Educators, and Education Personnel with nuances of Sexual Violence;
16. Attempted rape, but penetration did not occur;
17. Committing rape, including penetration with objects or body parts other than genital instruments;
18. coerce or deceive the Victim to perform an abortion;
19. forcing or deceiving the Victim to become pregnant;
20. allowing Sexual Violence to occur intentionally; and/or
21. committing other acts of Sexual Violence.

Women in the social environment are categorized into vulnerable groups. This is because women have low power and bargaining power due to their gender in society and patriarchal culture in Indonesia.⁶ In the Indonesian constitution Article 28G paragraph (1) of the Constitution of the Republic of Indonesia, women's rights are guaranteed to be protected without discrimination and gender differences in any activity, including education. Also, according to Article 31 paragraph (1) of the Constitution of the Republic of Indonesia, the equal rights of every citizen to get education, science and technology, art and culture in order to improve their quality of life are also guaranteed.⁷

However, based on research with the theme of sexual violence in higher education, there has been no discussion related to the rights and policies for women in obtaining education in higher education. Several studies with similar issues have shown that women are the most vulnerable to sexual violence. In the study of Sexual Violence in the Environment: A Case Study of Female Students in Indonesia, it was stated that students in Indonesia are vulnerable to sexual violence which is often reported due to the existence of a strong patriarchal power relations and culture.⁸ This is also in line with UNESCO's Behind the Numbers: Ending School Violence and Bullying research which confirms that women and girls are more at risk of being affected by sexual violence in the educational environment, especially in contexts where gender is deeply entrenched.⁹ In addition, the study Gender-Based Violence in Higher Education Institutions in Indonesia states that gender-based sexual violence on campus generally targets women, and often does not receive an adequate institutional response.¹⁰ This can support the fact that there are barriers to education rights. In addition, the high level of vulnerability to sexual violence and supported by the high number of reports

⁶ Jhonson Panahatan Sihagian and Mitro Subroto, "Perempuan Sebagai Kelompok Rentan," *Jurnal Educatio* 10, no. 1 (2024): 173–78, <https://doi.org/10.31949/educatio.v10i1.6940>.

⁷ Republik Indonesia, "Undang-Undang Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia," Pub. L. No. 3886 (1999).

⁸ S. Darmastuti, "Kekerasan Seksual Di Lingkungan Perguruan Tinggi: Studi Kasus Mahasiswi Di Indonesia," *Jurnal Ilmu Sosial Dan Ilmu Politik*, 2021.

⁹ UNESCO, *Behind the Numbers: Ending School Violence and Bullying, Behind the Numbers: Ending School Violence and Bullying* (Paris: United Nations Educational, Scientific and Cultural Organization, 2019), <https://doi.org/10.54675/trvr4270>.

¹⁰ Y. Wulandari, "Gender-Based Violence in Higher Education Institutions in Indonesia," *Jurnal Perempuan*, 2020.

of sexual violence experienced by women, is not supported by special regulations or policies that can be used to protect women as more vulnerable people.

Based on the results of existing regulations and previous research, it is known that the guarantee of the right to a sense of security for women in the field of education is realized in the regulation of the Minister of Education and Culture No. 30 of 2021 concerning the Prevention and Handling of Sexual Violence in the Higher Education Environment. However, until now cases of sexual violence still occur in the university environment. Even the higher education environment is one of the major contributors to sexual violence cases. Therefore, this study aims to identify the causes and problems of sexual violence against women and how important it is to create appropriate policies in the educational environment to be safe and comfortable so that women no longer have worries and injustices over the difference in the ease of getting security in getting education. Clear policies on cases of sexual violence in higher education can contribute to reducing the number of cases of sexual violence in the educational environment.

B. RESEARCH METHODS

This study uses a qualitative approach. The qualitative research method is a research method used to research on the condition of natural objects, where the researcher is the key instrument, the data collection technique is carried out as a triangulation, the data analysis is inductive, and the results of qualitative research emphasize meaning rather than generalization.¹¹ The data collection method in this study is the survey method and literature study. The survey method is used to obtain or collect information about a large population using a relatively smaller sample.¹² Surveys are conducted on students, lecturers, education staff, and other campus residents. This survey aims to measure the extent to which sexual violence occurs in the campus environment, the problems that arise due to sexual violence, and the identification of the causes of sexual violence. The literature study method is a method with data collection by understanding and studying theories from various literature related to research on the rights and policies for women to be protected from sexual violence. The literature study in this case is to examine existing theories and regulations related to the rights and policies for women to be protected from sexual violence with the aim of formulating policies that are in accordance with the research problems.

C. ANALYSIS AND DISCUSSION

a. Causes of Sexual Violence

Sexual violence that occurs in the university environment is caused by various aspects contained in the university itself. The causes of sexual violence identified in 4 categories are due to inequality in relationships, no governing policies, inadequate facilities and infrastructure, low awareness and knowledge, and other causes.

¹¹ Zuchri Abdussammad, *Metode Penelitian Kualitatif* (Makassar: Syakir Media Press, 2021).

¹² Ibid.

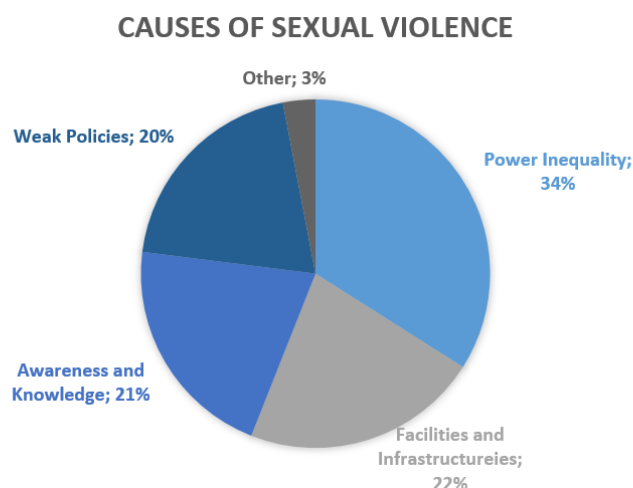


Diagram 1. Results of the survey on the causes of sexual violence
 Source: Authors

a. Power Inequality

The power inequality relationship between perpetrators and victims is the cause of sexual violence in higher education with the highest percentage of 34%. Acts of sexual violence that occur between lecturers and students. Education personnel with students, as well as students with students, almost always contain elements of power relations. Generally, the perpetrator has greater power compared to the victim, so often the victim inevitably has to follow the wishes of the perpetrator. Women are almost always victims who do not have the power to refuse or report because of the enormous impact of sexual violence on their educational continuity and on their personal lives.

Based on the findings of cases that occurred in universities, it is known that there is a power relationship in cases of sexual violence, such as university leaders with lecturers, senior lecturers with junior lecturers, supervisors with students, laboratory institutions with students, lecturers teaching courses with students, superiors of education staff with their subordinates or new employees, leaders of student organizations with their members, senior students with junior students, and male and female students. From these cases, it can be seen the role of power and power inequality that occurs between perpetrators and victims of sexual violence.

This is in line with the results of Foucault's research in Sumintak and Idi in 2022 which showed the results that an imbalance in power relations between lecturers and students can be a factor that is vulnerable to triggering sexual violence.¹³ After the incident, the victim is generally reluctant to report or continue the legal process related to the incident he experienced. Political discourse and sexual desire interact with each other and produce actions that are detrimental to women, both in the educational environment and beyond.

The relationship of power, according to Michel Foucault in his book *The History of Sexuality* (1990), puts forward five propositions about power. First, power is not something that can be acquired, sought, used, shared, or destroyed as an object that

¹³ Sumintak Sumintak and Abdullah Idi, "Analisis Relasi Kuasa Michel Foucault: Studi Kasus Fenomena Kekerasan Seksual Di Perguruan Tinggi," *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 11, no. 1 (2022): 55–61, <https://doi.org/10.19109/intelektualita.v11i1.11117>.

can be controlled, but rather that power operates in space and relationships that are constantly evolving and moving. Second, power relations do not take the form of hierarchical structures involving the ruler and the dominated, but power comes from below and is not trapped in a binary opposition that separates the two. Third, power is a phenomenon that includes both sides of the relationship. Fourth, power relations are diffuse and unstructured in the form of information, and lastly, where there is power, there is also resistance, which means that resistance always runs within the power relations themselves, without any way out of the existing power.¹⁴

b. No Internal Policy Yet (Weak Internal Policies)

Policies related to sanctions and handling of acts of sexual violence regulated in Permendikbudristek number 30 of 2021 must be downgraded to an internal policy or regulation of university leaders that are adapted in accordance with the environment of each university. However, not all universities have leadership regulations as a derivative of the Ministerial Regulation which serves as the basis for the implementation of handling and sanctioning perpetrators of sexual violence within the internal scope of higher education. Based on the results of monitoring various forums and civil society reports (Safe Space Coalition, Komnas Perempuan, and Ditjen Diktiristek), stated that out of about 4,000 more universities in Indonesia, around 30-40% reported having internal policies related to sexual violence. Then only about 20-25% have actually formed the PPKS Task Force and carried out their duties functionally.¹⁵

Meanwhile, policy formulation is very important to provide certainty of protection for women victims of sexual violence and for women who are carrying out their education to feel safe and comfortable. In addition, policies are needed to provide a deterrent effect for perpetrators of sexual violence and as a preventive measure for recurrence. Policies related to the handling of sexual violence in the higher education environment currently still refer to the Minister of Education and Culture Regulation No. 30 of 2021.

The regulation states that universities can only provide administrative sanctions to perpetrators of sexual violence in the campus environment. The sanctions are divided into light, medium, and severe sanctions. The light administrative sanctions in question are written reprimands and for a published written apology. Moderate administrative sanctions are temporary dismissal from office without obtaining the right to office; or reduction of rights as a student including postponement of attending lectures (suspension); revocation of scholarships; or the reduction of other rights. However, these sanctions can only be given if the perpetrator is proven to have committed an act of violence, if the victim does not have strong evidence or sufficient evidence, then the sanction cannot be given.

In the hierarchy of laws and regulations in Indonesia, the rules governing criminal sanctions should only be contained in Regional Laws and Regulations. Therefore, regulations at the level of ministerial regulations can only contain administrative

¹⁴ Michel Foucault, *The History of Sexuality Volume 1: An Introduction* (New York City: Knopf Doubleday Publishing Group, 1990).

¹⁵ Kemendikbudristek and Komnas Perempuan, "Webinar Satgas PPKS," Ditjen Diktiristek, n.d., <https://www.youtube.com/@ditjendiktiristek>.

sanctions. This is also why there is no internal policy in the higher education environment that provides optimal sanctions to perpetrators of sexual violence. The optimal sanction in this case is one that provides benefits to the victim in terms of providing a sense of justice, assisting the psychological recovery process, preventing bullying or violence recurrence, encouraging the social recovery of the victim, and providing a good systemic effect. Meanwhile, based on research on Sexual Violence and Impunity in Indonesia's Higher Education Institutions, it is stated that many campuses cover up cases of sexual violence to maintain a good name; perpetrators (lecturers and campus officials) are not subject to strict sanctions, and often only transferred without legal consequences; and victims often get stigma and pressure to keep quiet.¹⁶ Then, based on Institutional Betrayal in Higher Education, it is known that many institutions fail to take fair action against perpetrators of sexual violence and victims feel betrayed by the institution because the perpetrators are left free without consequences.¹⁷ Based on Foucault in Sumintak and Idi in 2022, it is also stated that the Rector/Director/Chairman, as the highest leader in higher education, needs to set strict regulations against anyone involved in acts of sexual violence. Strengthening regulations is considered crucial for law enforcement against perpetrators of sexual violence. Juridically normative, the laws and regulations that regulate the issue of sexual violence are still partial.

c. Inadequate Facilities and Infrastructure

Inadequate facilities and infrastructure in the campus environment are also the cause of sexual violence in the second place. These facilities and infrastructure include rooms or places that are prone to sexual violence, minimal lighting, and inadequate supervision such as absent or damaged CCTV cameras. Organizational facilities and activities on campus are also often misused by person to commit acts of sexual violence. In the case of sexual violence, evidence is one of the things that is quite important to prove the act of sexual violence committed by the perpetrator. The collection of evidence needs to be supported by adequate facilities and infrastructure.

Regarding inadequate facilities and infrastructure, it also affects the effectiveness of handling cases of sexual violence. Where in handling cases of sexual violence, several handling principles are needed, including a comfortable place and maintaining the confidentiality of the complainant and the victim, both the identity and the case. In addition, the storage of evidence is also very important to ensure protection for women victims of sexual violence so that they are kept safe. Facilities and infrastructure have a very important role in the prevention and handling of sexual violence in the campus environment.

In addition, the provision of comprehensive information and educational media throughout the campus environment is also still inadequate so that information and education cannot be accessed by the entire community in higher education. Meanwhile, facilities and infrastructure are also one of the mandatory provisions of Article 37 paragraph (2) of Permendikbudristek No.30 of 2021 which reads

¹⁶ Fitriani Permanasari et al., "Sexual Violence and Impunity in Indonesia's Higher Education Institutions," *Jurnal Perempuan* 109 (2021).

¹⁷ Carly Parnitzke Smith and Jennifer J. Freyd, "Institutional Betrayal," *American Psychologist* 69, no. 6 (2014): 575-587, <https://doi.org/10.1037/a0037564>.

"Facilitation of the implementation of duties and authorities includes the provision of operational facilities and infrastructure; operational financing of Prevention and Treatment; security protection for Task Force members; and legal assistance for members of the Task Force in dealing with legal problems related to the implementation of duties and authorities."

d. Level of Awareness and Knowledge

The low level of awareness is also a factor that causes sexual violence in the university environment. Awareness in this case is the ability to recognize and understand the negative impact caused by sexual violence. The majority of perpetrators of sexual violence in universities are individuals who are also members of the university community or in other words, not external people. Low knowledge related to sexual violence, types of sexual violence, and the impact of sexual violence from both perpetrators and victims is also the cause of sexual violence. Many still have an understanding or thought that jokes, cultures, and habits related to sexual violence are things that can still be tolerated.

Sexual behavior that is also a habit or behavior that is considered normal among adolescents and a social circle is also part of the consequences of the lack of knowledge. Some sexual behaviors such as touching, holding hands, embracing, hugging, kissing, and some other behaviors are not considered sexual violence if the perpetrator and the victim have a relationship despite the victim's unwanted desire or coercion. In acts of sexual violence, licensing or consent is important for everyone to understand, especially women. Where in the absence of consent from one of the parties, the action is said to be sexual violence that should be followed up.

The results of this study are supported by other studies, including the study Experience and Knowledge of Sexual Harassment: An Initial Study in Higher Education Students, which stated that many students experienced sexual harassment but do not realize it as a form of violence because of the lack of understanding of the definition and form of sexual violence.¹⁸ In addition, another study, Sexual Violence in Indonesian University: On Students' Critical Consciousness and Agency, stated that students with high critical awareness tend not to normalize sexual violence and have a more victim-friendly attitude.¹⁹ Another study, Understanding College Students' Perceived Help-Seeking Knowledge and Awareness about Sexual Misconduct Policies and Procedures, stated that lack of knowledge about campus policies and reporting mechanisms makes victims or witnesses reluctant to report. Instead, clear information motivates reporting and prevents impunity.²⁰

¹⁸ Binahayati Rusyidi, Antik Bintari, and Hery Wibowo, "Pengalaman Dan Pengetahuan Tentang Pelecehan Seksual: Studi Awal Di Kalangan Mahasiswa Perguruan Tinggi (Experience and Knowledge on Sexual Harassment: A Preliminary Study Among Indonesian University Students)," *SHARE: Social Work Journal* 9, no. 1 (2019): 75–85, <https://doi.org/10.24198/share.v9i1.21685>.

¹⁹ Ainal Fitri et al., "Sexual Violence in Indonesian University: On Students' Critical Consciousness and Agency," *Gender Equality: International Journal of Child and Gender Studies* 7, no. 2 (2021): 153–67, <https://doi.org/10.22373/equality.v7i2.9869>.

²⁰ Gillian M. Pinchevsky and Brittany E. Hayes, "Understanding College Students' Perceived Help-Seeking Knowledge and Awareness about Sexual Misconduct Policies and Procedures," *Journal of Interpersonal Violence* 38, no. 1–2 (2022): 726–49, <https://journals.sagepub.com/doi/10.1177/08862605221081935>.

In addition, many cases were found where victims lost evidence of sexual violence experienced and heard and seen. Many victims feel afraid, worried, angry, and embarrassed by the evidence they have so that they are deliberately omitted. Meanwhile, in the case of acts of sexual violence, evidence is very important to be kept to help in the process of handling cases and imposing sanctions on the perpetrators. However, there are still many from the campus community, especially women, who still do not understand this so they cannot prove the perpetrators of sexual violence.

Awareness and knowledge about sexual violence need to continue to be improved and disseminated to all elements of human resources in higher education. Socialization, counseling, and knowledge enhancement activities related to the prevention and handling of sexual violence carried out by the PPKS Task Force are programmed and carried out periodically with the target of all elements in universities. However, often these activities are not a priority for the academic community so on various occasions not all invitees can attend the activity. The large number of absentees from the socialization target participants is a form of lack of awareness of the importance of the issue of sexual violence which will have an impact on the lack of knowledge and understanding of the issue.

e. Other Things

Other things that are included in the causes of sexual violence consist of the influence of the social environment, the influence of alcohol, the influence of drugs, interpersonal relationship problems, curiosity, and mental problems or psychological conditions. These other things are the cause of sexual violence in the amount of 3% because they are made up of several reasons that cannot be classified. Sexual violence in the world of education does not only occur within the campus environment but also occurs outside the campus environment such as when conducting research, community service, off-campus services, internships, group assignments, off-campus student organization activities, off-campus lecture activities, and other locations related to intracurricular and extracurricular activities. The many scopes of activities in universities, making opportunities and possibilities for sexual violence to occur are also widespread.

In certain faculties or departments that require high practical activities and interaction between students and students with lecturers or education personnel. Practice and interaction activities like this also trigger sexual violence which sometimes goes beyond supervision by lecturers and education staff. The committee activities of an event are also the cause of sexual violence, where gatherings are held outside lecture hours and outside lecture venues. For women, other causes are also uncertain variables that also threaten their safety from acts of sexual violence.

In terms of reporting sexual violence, it was found that many women did not dare to report the violence they experienced. This causes sexual predators to continue to look for new victims and causes repetitive acts experienced by the victim again. The cause of women's fearlessness in reporting the actions they have experienced or witnessed is because there is no sense of protection when deciding on this. Protection of victims, reporters, and witnesses is also very necessary to motivate reporting. Protection and assistance from threats and terror that may be carried out by the

perpetrator if the victim reports or narrates the violent incident makes women also have no other choice.

In certain cases, the courage of the complainant or victim to report the sexual violence experienced or witnessed by him makes a scourge that is also scary because of negative judgments and judgments from people in the surrounding environment and even from those closest to him. Victims who should get protection and recovery but are turned into someone who is not good and unclean according to their social environment. There was even exclusion from his friends and his closest environment. Matters surrounding sexual violence are sensitive matters and are classified as a big problem in the world of education because they must be solved together by all elements and policy makers in higher education.

2. Impact of Sexual Violence

In the world of higher education, the impact of sexual violence on women is very diverse, ranging from the psychological problems they experience such as stress, depression, trauma, anxiety disorders, panic attacks when stimulated by certain things. This requires special handling by professionals because if not, it can hinder their learning activities and even haunt them throughout their lives. Another psychological problem is that if it is not handled properly, the victim will become self-blame and commit vents that will harm themselves such as hurting themselves, disgusting themselves, and even ending up killing themselves.

Another impact is disorder or personality change, a person who was originally very active, cheerful, open, easy to socialize, and productive can drastically change into a person who is quiet, closed, unable to socialize, and even unable to do anything related to his learning. Being disconnected from the world of education is also an impact that occurs a lot, where women become victims of sexual violence but they also have to give in to their future by dropping out of college to avoid the perpetrator or just to get a sense of security in their minds.

The impact of violence against women can be seen in many aspects, including mental, physical, behavioral, and social health. In terms of mental health, victims Sexual violence often results in depression, loss of confidence, shame, stress, trauma, isolation, anger, loneliness, feelings of uselessness, or lost hope in life. The physical effects of sexual violence include sexually transmitted diseases such as HIV/AIDS, Chlamydia, Gonorrhea, and Syphilis. The impact on the victim's behavior can change their lifestyle, such as irregular diet, alcohol abuse, and increased drug use.

From an economic perspective, sexual violence can cause financial problems, such as loss of income due to job loss, health costs, and other related expenses. The social impact that victims feel directly includes stigma and discrimination, where victims may feel alienated or anxious about how friends and family view them. In addition, victims often feel isolated from their social environment, as revealed by Ali Said et al., in *Thematic Gender Statistics: Ending Violence Against Women and Children in Indonesia in 2017*. These acts of violence can also reduce self-confidence, inhibit participation in social activities, and damage health, thereby reducing their autonomy in economic, political, sociocultural, and physical aspects. Self-confidence itself can be hampered in the process of the development of the victim's soul and future.

3. Women's Rights in Education

Every citizen has the right to education (Article 31 paragraph (1) of the Constitution of the Republic of Indonesia). This sentence is a mandate from the constitution which means it has legal consequences and is mandatory to be obeyed for everyone in Indonesia. Education is a human right and is an obligation for the government to carry it out. The implementation of education is certainly not only a matter of facilities and infrastructure but also related to the quality and academic atmosphere that is built.

Education is the main factor in improving human resources in the context of nation and state development. In addition, as an institution, education is also a place to educate and provide examples of equality behavior. Education as a basic right of every individual is guaranteed in the provisions of national and international law. Article 26 of the Universal Declaration of Human Rights (DUHAM) of 1948 states the following:

- (1) Every individual has the right to education. Education must be provided for free, at least at the elementary school and elementary education levels. Basic education must be compulsory. Technical and vocational education should be open to everyone, and higher education should be accessible to everyone based on their abilities.
- (2) Education must aim for maximum personal development and to increase respect for human rights and fundamental freedoms. Education must also promote understanding, tolerance, and friendship among all nations, races, and religions, and play a role in supporting the activities of the United Nations to maintain peace.

The above provision emphasizes that every individual has the right to obtain education without any element of discrimination. This right to equality is not enough to protect women in education. Efforts to harm women's dignity and dignity can occur not only from the lack of protection policies but also from the social behavior of the community.

The protection of women's rights in obtaining education is also regulated in Article 28 C; Article 28 E and Article 31 of the Constitution of the Republic of Indonesia. The article in the constitution provides guarantees of access to education for women with the right to and the same obligation (non-discrimination) in the eyes of the law. Furthermore, in the self-protection of a woman, the constitution also guarantees it in Article 28G as follows:

- (1) Everyone has the right to personal protection, family, honor, dignity and property under his control, and entitled to a sense of security and protection from the threat of fear to do or not do something is a fundamental right.
- (2) Everyone has the right to be free from torture or ill-treatment degrading human dignity and the right to obtain political asylum from other countries.

In particular, the protection of women's human rights in Indonesia is also regulated in the Ninth Part of Articles 45 - 51 of Law No. 39 of 1999 concerning Human Rights. In this regulation, women also have the same rights to education and teaching in all types, levels and paths of education.

Education is the most important foundation for human life because it can improve the quality of life, intellect, thought, behavior, and economy (Krisnalita, 2023). Basically, the success of education is not only about social status, but the most important thing is that there is a change in a person's mindset for the better. For this reason, education must be able to change the paradigm of gender inequality by becoming a role model for change by providing guarantees of protection and equal access to learning.

All forms of discrimination and treatment that are detrimental to women's dignity should be abolished in Indonesian education. The occurrence of sexual violence in the educational environment shows that the goal of education, which is to educate the life of the nation, is still far from successful. Educational institutions must strive to eradicate sexual violence and guarantee women's rights in education.

4. Efforts To Prevent and Handle Sexual Violence Through PPKS

The prevention and handling of sexual violence in the university environment is carried out through programs and activities prepared by each task force for the prevention of handling sexual violence (*Satgas PPKS*) in higher education. The preparation refers to Permendikbudristek No. 30 of 2021 and Law No. 12 of 2022 concerning the Crime of Sexual Violence. In the regulation, adhering to gender equality means that women and men alike must receive protection and handling of sexual violence. But in reality, most of the cases of sexual violence that occur in the university environment are women and the perpetrators are men.

In accordance with *Permendikbudristek* No. 30 of 2021, educational institutions are required to have a PPKS Task Force and then adapt the rules according to the circumstances of their respective universities. Adaptation of this rule without prejudice to national rules and/or conflicts with the rules above. Furthermore, to run the PPKS Task Force, universities need to capture resources that have integrity and high commitment to efforts to prevent and handle sexual violence.

In the arrangement of PPKS Task Force members, the number of women is stated to be 2/3 of the total. However, in the conditions in the field, not all members of the PPKS Task Force have a background and ability in handling sexual violence, even though in handling there are mentoring, protection, and administrative sanction activities; and recovery of victims. Therefore, members of the PPKS task force need education and training related to handling sexual violence in order to provide optimal services.

The tasks of the task force for the prevention and handling of sexual violence include assisting university leaders in preparing a guidebook for the Prevention and Handling of Sexual Violence in Higher Education which is adapted from the Minister of Education and Culture; conduct a review through a survey related to acts of Sexual Violence at least 1 (one) time in a term of 6 (six) months at the University so that 2 times in 1 year; convey the results of the survey to Leaders in Higher Education; socializing gender equality education, disability equality, sexual and reproductive health education, and Prevention and Handling of Sexual Violence for Campus Residents whose implementation form is adjusted to the needs of each campus; follow up on Sexual Violence based on reports that enter the reporting channel; Coordinating

with units that handle disability services, both internal units and external units, if the report involves victims, witnesses, complainants, and/or reported persons who have disabilities, it is necessary to coordinate with relevant agencies to provide protection to victims and witnesses. In addition, it must monitor the implementation of recommendations from the Task Force by university leaders and submit reports on sexual violence prevention and handling activities to university leaders at least once in six months.

These regulations and assignments are not accompanied by minimum service standards that should be owned by the PPKS task force in each university. So that there is a difference in the quality and quantity of services from each university. Universities with the type of university have human resources that are more in line with the needs of the task force, facilities and infrastructure that are more suitable, making it easier to provide services. Then on the other hand, the duties and services provided by each PPKS task force must meet the regulations of the Ministry of Education and Culture. In vocational higher education, the need for skilled human resources in handling sexual violence is more difficult to find. This means that preparing members of the PPKS Task Force will also take longer. However, the existence of the PPKS task force is a form of commitment of educational institutions to reduce the rate of sexual violence for institutions and Indonesia.

5. Implementation of Policies to Prevent And Handle Violence Based on Strengthening Gender Equality

The biggest factor that causes sexual violence is power relations. Power relations occur because the perpetrator takes advantage of the victim's vulnerability, dependence, and trust in him. Of course, this power relationship is easier for the perpetrator to do who has a higher position or social status than the victim. Permendikbudristek No. 30 of 2021 does not provide a detailed definition and regulation of power relations, in the regulation only 1 time the term power relations is mentioned in Article 1 paragraph 1 of Permendikbudristek No. 30 2021.

The legal definition of power relations is only found in Article 1 paragraph 9 of Supreme Court Regulation No. 3 of 2017 concerning Guidelines for Adjudicating Women's Cases Dealing with the Law, Power Relations are hierarchical relationships, inequality and/or dependency and/or economics that give rise to power between one party over another party in the context of inter-gender relations to the detriment of those who have lower positions. The three main elements that cause the emergence of power relations based on Regulation Number 3 of 2017 are (1) hierarchy, (2) inequality and (3) dependence. These elements can occur in conditions of economic, socio-cultural, information or knowledge and education. However, this condition has unconsciously begun to form from the subconscious of society that considers women and men to be unequal. This paradigm further triggers the ease of sexual violence against female victims.

If you look at the history of Indonesian society, patriarchal culture plays a dominant role. In this concept, society divides the roles between men and women which are socially and culturally constructed, which then gives birth to the belief in the existence of feminine traits (women are soft, weak, emotional). Quoting from the article Gender as a Social Structure, Gender is not just a personal identity, but a social structure that

shapes interactions, institutions, and inequalities. This reinforces that gender differences are social, not merely biological.²¹ The difference between men and women in this regard is not only interpreted biologically but is also drawn to the social realm that concerns their rights and obligations.²²

Along with the development of science, technology and the country's constitution, the concept began to coexist with modern society. Women today can enjoy education up to the level of higher education, although the paradigm of gender inequality is still believed by many people. The cases of sexual violence that occurred in higher education with the majority of victims being women show the other side of the world of education that is not yet perfect.

It is natural that in terms of sexual violence that occurs in the educational environment and is caused by power relations factors, sanctions are heavier than other causes. In Article 16 paragraph (2) letter c of the Minister of Education and Culture Regulation No. 30 of 2021, it is stated that "The imposition of administrative sanctions is heavier as referred to in paragraph (1) by considering that the Reported the perpetrator is a member of the Task Force, the head/head of the study program, or the head of the department." This article indirectly emphasizes that in the event that violence occurs due to power relations with the perpetrator holding a certain position, the sanctions given will be heavier. If referring to the three main elements of power relations, then perpetrators of sexual violence in the field of education are not only in the two positions mentioned above. Relationships established in the world of education are a requirement for power relations involving students, lecturers, leaders, and education staff. For this reason, Article 16 paragraph (2) should contain a broader power relationship.

Article 3 of Permendikbudristek No. 30 of 2021 states that the prevention and handling of sexual violence is carried out with the following principles: a. the best interests of the victim; b. gender justice and equality; c. equality of rights and accessibility for persons with disabilities; d. accountability; e. independent; f. prudence; g. consistent; and h. guarantee of non-recurrence. In efforts to prevent and handle sexual violence, the main focus is on the implementation of policies based on strengthening the culture of equality. Of course, this also involves all stakeholders and shareholders in higher education. The stages of policy implementation begin with socialization, implementation, and then monitoring and evaluation.²³ At the socialization stage, it is necessary to induce a thought process about gender equality, understanding that gender is not a biological difference that naturally comes from God Almighty. In this process, digital and conventional means can be used for the massive and effective dissemination of information. In addition, the civic integrity pact must also include the main principles in the anti-sexual violence policy.

²¹ Barbara J. Risman, "Gender As a Social Structure: Theory Wrestling with Activism," *Sociologists for Women in Society Feminist Lecture* 18, no. 4 (2004): 429–50, <https://doi.org/10.1177/0891243204265349>.

²² Arief Hidayat and Adi Chandra Kumala, "Mengadvokasi Ketidaksetaraan Gender (Peran Negara Dan Hegemoni Budaya Patriarki): Study Pada Rifka Annisa Woman Crisis Centre (WCC) Yogyakarta," *Jurnal PolGov* 2, no. 2 (2020): 365–405, <https://doi.org/10.22146/polgov.v2i2.1864>.

²³ Pusat Penguatan Karakter, "Mekanisme Pelaksanaan Tugas Dan Pelaporan Satgas PPKS," Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi, 2023, https://satgasppks.polnep.ac.id/wp-content/uploads/2023/10/5-Mekanisme-Pelaksanaan-Tugas-dan-Pelaporan-Satgas-PPKS-Shared_PUSPEKA.pdf.

The next stage is implementation, at this stage there needs to be a set of rules that can be enforced consistently. This means that legal certainty and consistency in law enforcement are expected to provide a deterrent effect, as well as inhibit the potential emergence of other perpetrators. In addition to the legal rules that apply nationally, each university can also make internal rules by referring to the legal provisions on it. As long as the internal rules made do not conflict with national rules and are made as additional rules such as service procedures, it can be done. If the rules already exist and are complete, then there must be a PPKS task force unit that can implement the rules, including in the event that a case of sexual violence has occurred, then the PPKS task force must handle it. Handling sexual violence includes assistance, protection, imposition of administrative sanctions and recovery of victims. For this act of assistance and recovery of the victim, permission is required from the victim or the victim's parents or guardians.

The last stage of this implementation is monitoring and evaluation, as universities periodically must review the implementation of the anti-violence policy. This review is to obtain a record of the obstacles in the prevention and handling efforts carried out. The obstacles found must certainly be solved with solutions that ultimately become suggestions for improving the next anti-violence policy. The implementation of anti-sexual violence policies that focus on strengthening gender equality means that an important foundation in this effort is a change in mindset about seeing women. Women should not be seen as biological subjects only, the role of women in social society, especially education, is the same. Women as human beings as a whole have the same position and equal rights and obligations.

D. CONCLUSION

Sexual violence can happen to anyone, whether it is a man or a woman. However, women are more often victims of sexual violence by men because there are more supporting factors. The causes of sexual violence in the higher education environment are caused by power relations factors, weak policies, inadequate facilities and infrastructure, and lack of knowledge about sexual violence. Basically, women today have the same guaranteed access to sue you, but the level of women's vulnerability to experiencing sexual violence is very high, as evidenced by the still high number of women as victims. This shows that education is currently not able to change the paradigm of gender inequality between men and women at the social level.

The prevention and handling of sexual violence has indeed been carried out, starting from the formation of regulations, PPKS task forces to education about gender equality. This effort cannot be said to be effective but is able to reduce the rate of sexual violence in higher education. At the level of internal policy, there is still a need for more optimal sanctions for perpetrators of sexual violence in the higher education environment, especially in cases involving power relations because there are many injustices in the provision of sanctions for perpetrators. The various impacts caused by sexual violence are very detrimental to women. Both psychological, physical, social, family, and educational losses can also be stopped and even take their lives. Where actually getting a decent life and getting education according to needs is the right of every citizen.

The implementation of policies to prevent and handle sexual violence in the higher education environment based on strengthening gender equality is a strategic step to overcome the root of the problem of violence, namely power relations. Power relations arise as a result of hierarchical inequality, dependence, and inequality that have long been formed by patriarchal culture and gender stereotypes in society. This inequality further exacerbates the vulnerability of victims, especially women, to acts of sexual violence.

In terms of preventing and addressing sexual violence in college settings to protect women, researchers suggest several things:

1. It is necessary to prepare policies and supervision of the implementation of policies made internally by universities that uphold the principles of justice and pay attention to the impact on the victim rather than the impact on the perpetrator.
2. Human resources are needed who have appropriate standards of knowledge and ability, where their training can be accommodated by the Ministry and handed down to each university so that the PPKS Task Force or the team on duty can provide the same service standards.
3. Minimum service standards are required and supervised by Ministry to be implemented in every university both in terms of facilities and infrastructure, financing, and other things that support prevention and handling programs in the university environment equally.
4. It is necessary to structure policies and sanctions that are more optimal for perpetrators of sexual violence in the higher education environment, both in terms of the type of sanctions and the process of their application in order to provide benefits for victims.
5. Education about gender equality to students from the most basic education level to the university level.

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