

The Policy Of Preventing And Handling Of Sexual Violence In Universities In Kalimantan

[¹] Dr. Hj. Erlina; [²] Tiya, Erniyati, S.H., M.H*; [³] Deva Fadhil Athaya;

[⁴] Ulfa Khairiani; [⁵] Ristia Al Fisah Jannah

Lambung Mangkurat University, Faculty of Law, Banjarmasin, Indonesia

Email: erlina@ulm.ac.id [¹], tiya.erniyati@ulm.ac.id * [²], devafa77@gmail.com [³],

Ulfakhairiani3@gmail.com [⁴], Ristiaalfisah123@gmail.com [⁵]

* Corresponding Author

Citation: Erlina. et.al., 2022 The Policy of Preventing and Handling Of Sexual Violence In Universities In Kalimantan. Int' Journal of Law, Environment, and Natural Resources (INJURLENS), 2 (2), 111-120.

Academic Editor: M. Febry Saputra

Received: 20 September 2022

Revised: 15 October 2022

Accepted: 20 October 2022

Published: 25 October 2022

Publisher's Note: Scholar Center stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.



Copyright:

© 2022 by the authors. Submitted for open access publication in International Journal of Law, Environment, and Natural Resources (INJURLENS) under the terms and conditions of the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 license (CC BY NC SA 4.0). For more information visit (<http://creativecommons.org>).

Abstract: This research is a study in the field of Social Humanities and Gender Studies related to the Regulation of the Minister of Education, Culture, Research, and Technology Number 31 of 2021 concerning Prevention and Handling of Sexual Violence in Higher Education, to see how it is implemented at State Universities in Kalimantan. The purpose of this study is to identify and describe the perceptions of leaders of state universities in Kalimantan on the meaning of the Ministerial Regulation on the Prevention and Handling of Sexual Violence in Higher Education and the patterns used in its implementation; besides that, it is also to analyze the achievements and obstacles in the implementation of prevention and handling of sexual violence in universities in Kalimantan. This study uses a socio-legal research method with an interdisciplinary approach between normative research aspects through the study of legislation related to the theme of the study and a sociological approach to explore problems, perceptions and follow-up actions taken by the leadership of the leading State Universities in Kalimantan, such as Lambung Mangkurat University, Tanjung Pura University, Mulawarman University, Palangkaraya University and Borneo Tarakan University after the issuance of the Ministerial Regulation related to the prevention and handling of Sexual Violence in Higher Education.

Keywords: University Policy; Prevention; Handling; Sexual Violence.

1. INTRODUCTION

Violence is very common in everyday life, both in the family, community and peers. Violence generally often afflicts people who are powerless. The rise of the issue of violence against women has become a frightening specter for all women, especially women who are busy outside taking care of housework, although it is possible that women who take care of housework also experience the same thing (Utami, 2018). However, in recent years the public spotlight through mass media coverage seems to

have focused on sexual violence that occurred in the realm of universities. In more popular terms, sexual violence that occurs in the realm of universities is referred to as sexual violence on campus (Achmad, 2021).

Based on data revealed by the Minister of Education and Technology, the increase in cases of violence against women from January to July 2021 was 2,500 cases. "This figure exceeds the record in 2020, which was 2,400 cases. The increase in cases is affected by the pandemic crisis which is an iceberg phenomenon as the number of unreported cases doubles. The impact of this sexual violence can be long-term to permanent and affect the future of women, especially among students," she said when giving a speech at the Virtual Watching (Nobar) and Webinar "16 Days of Anti-Sexual Violence Against Women or 16 Days of Sexual Violence Against Women". Activism Against Gender Violence", on Friday (10/12) (kemdikbud.go.id).

Based on a survey by the Directorate General of Higher Education, Research, and Technology in 2020, sexual violence occurred at all levels of education and 27 percent of the complaints occurred at universities. "In 2015 about 77 percent of lecturers stated that sexual violence occurred on campus and 63 percent of them did not report cases of sexual violence to the campus," he said of the Virtual Joint Watch and Webinar program "16 Days of Anti-Sexual Violence Against Women or 16 Days of Activism Against Women". Gender Violence" (kemdikbud.go.id).

According to The National Commission for Eradication of Violence against Women (Komnas Perempuan), throughout 2020, there were 2,389 cases of violence and 53% of them were sexual violence. "53% of violence against women occurs not only in personal spaces, but also in public spaces such as educational institutions (kumparan.com). There are so many cases within the University, one of which is a recent case, which occurred in Banjarmasin, where a student from the Faculty of Law at Lambung Mangkurat University (ULM) admitted to being a victim of rape a member of the Banjarmasin Police. Although law enforcement has been carried out, a number of irregularities have been questioned and have contributed to disappointment. This was conveyed through a press release issued by the leadership of Lambung Mangkurat University (ULM), the leadership of the ULM Faculty of Law, the BEM of the ULM Faculty of Law, and the Justice Advocacy Team for VDPS (Liputan6.com).

Cases of sexual harassment against students have also occurred at Mulawarman University, Samarinda (kaltim.idntimes.com) and University of Palangkaraya (tempo.com) Awareness of the vulnerability of sexual violence that occurs in the campus environment also makes Tanjung Pura University form a Sexual Violence Task Force (voicepemredkalbar.com) References should be foot noted in order of appearance and indicated by a numeral or numerals in square brackets—e.g., [1] or [2], or [3]. See the end of the document for further details on references.

2. METHODS

The research method used is the socio-legal research method, a research method

that approaches a problem through a combination of normative analysis with a non-law science approach in looking at law by using an interdisciplinary approach between normative research aspects with a sociological approach (Sulistiyowwati, 2012), but still uses a qualitative analysis method that focuses on the normative aspects of social life.

Data analysis was carried out qualitatively, namely by analyzing non-numerical data in depth and holistically, using descriptive analytical methods, namely research conducted to obtain a systematic description and details of the problems to be studied. Analysis was based on the description and facts obtained, then carried out analyze carefully how to answer the problem. The data that has been collected is then compiled in an expanded text, explained and then analyzed to draw a conclusion (Septiawan, 2007).

The legal materials used in this study consist of primary legal materials, secondary legal materials and tertiary legal materials that support the problems studied. The research uses a statutory approach, a conceptual approach (Simon, 2009) and a feminist approach (Shulamit, 2005).

The statutory approach is used to critically analyze legislation that contains norms related to the prevention and handling of sexual violence in universities, especially State Universities in South Kalimantan. The conceptual approach helps understand the legal and non-legal concepts that surround the context of women's rights and gender equality. Gender studies are conducted to describe the problems and experiences of women/victims in finding solutions and strategies for preventing and dealing with sexual violence.

3. RESULTS AND DISCUSSION

In determining the extent of the implementation that has been carried out by universities in Kalimantan, of course the achievement is Permendikbud number 30 of 2021 itself. Based on the mandate of Permendikbud number 30 of 2021 in Article 6 paragraph (1) Part one, prevention by Universities, which states that Universities are obliged to prevent sexual violence through: a. learning; b. strengthening governance; and c. strengthening the culture of the student community, educators, and education personnel. Based on the understanding written in paragraph (2) that what is meant by prevention through learning as referred to is carried out by Higher Education Leaders by requiring Students, Educators, and Education Personnel to study the Prevention and Handling of Sexual Violence module set by the Ministry.

Then based on paragraph (3) prevention in terms of strengthening governance consists of at least:

- a. formulating policies that support the prevention and handling of sexual violence in universities;
- b. establish a Task Force;
- c. Develop guidelines for the prevention and handling of Sexual Violence;
- d. limiting meetings between Students and Educators and/or Education Personnel outside campus operational hours and/or outside the campus area;

- e. provide sexual violence reporting services;
- f. train students, educators, education personnel, and campus residents regarding efforts to prevent and handle sexual violence;
- g. conduct periodic socialization related to the guidelines for the Prevention and Handling of Sexual Violence to Students, Educators, Education Personnel, and Campus Residents;
- h. put up an information sign containing:
 - 1. listing of sexual violence complaint services; and
 - 2. warning that university campuses do not tolerate sexual violence;
- i. provide adequate accommodation for persons with disabilities for the Prevention and Management of Sexual Violence; and
- j. cooperate with relevant agencies for the Prevention and Handling of Sexual Violence.

Based on paragraph (4) prevention through strengthening the culture of the student community, educators, and education personnel as referred to in paragraph (1) letter c in the form of communication, information, and education regarding the prevention and handling of sexual violence at least in the following activities:

- a. introduction to campus life for Students, Educators, and Education Personnel;
- b. student organizations; and/or
- c. informal communication network for students, educators and education personnel.

Through the research data obtained by interviewing the ULM leadership, the vice rector 3 of Lambung Mangkurat University, based on the socialization carried out by the Ministry of Education, Culture, Research, and Technology, universities were asked to immediately form a PPKS-Task force as an initial target at the end of February, which was later changed until September 2022.

As a follow-up to Permendikbud number 30 of 2021, ULM has formed a Selection Committee to select the membership of the Sexual Violence Prevention and Handling Task Force or hereinafter referred to as the PPKS-Task force. The structure of the PPKS-Task force of Lambung Mangkurat University is currently under the vice chancellor 3 and has started carrying out activities according to its duties and functions. The socialization will be carried out by the PPKS-Task force in conjunction with the student orientation event with the hope that PPKS material will become an important part not only in the event, but also become the topic to be conveyed to all other academics such as educators and other education personnel in the ULM campus environment. . Currently, the ULM Task Force has handled several ongoing and completed cases.

preparation of guidelines for the prevention and handling of Sexual Violence in Universities is currently in the process of being finalized by ULM. The manual may contain prevention mechanisms that are carried out to ensure that sexual violence does not occur, as well as mechanisms for dealing with cases of sexual violence that are carried out to follow up on cases of sexual violence committed by and/or against campus residents. These guidelines apply to all campus residents consisting of students, lecturers, teaching assistants, tutors, researchers, research assistants, educational personnel, non-

lecturer/non-researcher/non-educational personnel such as security guards, cleaners, apprentices, handymen, and other contract workers.

In order to create mutual synergy between ULM and other agencies related to efforts to eliminate sexual violence, ULM also has a Memorandum of Understanding (MoU) and Cooperation Agreements (PKS) with various related institutions, one of which is in the context of preventing and handling sexual violence in universities. . However, this MoU is still general in nature, which is only related to the implementation of the Three Pillars of Education (Tridharma Pendidikan), not specifically regarding the Prevention and Handling of Sexual Violence, but it is hoped that this can become a legal umbrella to eliminate sexual violence in the ULM environment. ULM also has a complaint service in the form of a 24-hour hotline, ex banners placed in the lobby of the University and every faculty (there are 11 faculties within Lambung Mangkurat University), pop ups on simari, pocket books, leaflets and videos uploaded on YouTube. Deputy Chancellor 3 revealed that currently the percentage of achievements that have been made by ULM in implementing the regulation is still around 15% -20%. This means that there are still many targets from ULM that have not been maximally implemented, this is also due to the obstacles experienced by the campus such as the absence of a common perception related to sexual violence itself, so that there are still those who consider sexual violence as a trivial issue, or not important. Therefore, periodic comprehensive socialization to provide understanding and at the same time raise awareness of the importance of sexual violence needs to be implemented immediately.

Likewise with other universities in Kalimantan such as Tanjung Pura University (UNTAN) which has followed up on Minister of Education and Culture Number 30 of 2021. Based on an interview with the Vice Chancellor 3 of UNTAN, Ir. Akhmadi, M.Si, UNTAN immediately formed a selection committee which later formed the PPKS-Task force based on the Chancellor's Decree dated February 10, 2022. The UNTAN Task Force has also been given facilities in the form of a special room to be able to carry out its duties.

In line with the statement of the UNTAN leadership, Emily Kalsum S.T., M.T. as the Head of the UNTAN Task Force, based on the results of the interview, also described the achievements of implementing the regulation of Minister of Education and Culture at the University to the programs that will soon be implemented by the campus.

Task Force has made a one-year agenda program, where in the last half year the Task Force has prepared PPKS Guidelines for UNTAN. The process of preparing the guidelines has reached approximately 90% which will be reported to the university, then continued with the preparation of a series of activities for socialization. UNTAN plans to conduct a survey in order to identify the understanding of campus residents or the academic community regarding the issue of sexual violence. The UNTAN PPKS-Task force has also carried out various socializations through seminar activities by cooperating with ormawa, where PPKS-related material is one of the materials included in the seminar. Socialization will also be carried out in future student orientation activities. The UNTAN PPKS-Task force stated that the socialization would continue to be carried out to touch

the entire academic community, meaning not only students, but also educators and education personnel and carried out for all faculties at UNTAN. The next socialization agenda will target activities that are of interest to students, even the entire academic community, such as through competitions or competitions to make slogans, logos, posters with the PPKS theme. The agenda will be collected in a main seminar which is targeted to be held in November. It is hoped that the University can strengthen this socialization activity evenly throughout the faculties. Then in order to facilitate the dissemination of information to the academic community regarding PPKS, UNTAN has scheduled the creation of social media accounts such as Instagram, Facebook and podcast broadcasting.

In terms of cooperation with related agencies, UNTAN has drawn up an agenda at the end of the year to establish collaborative relationships such as with Ministry of Law and Human Right (Kemkumham), police, prosecutors and various other relevant agencies. Currently, the campus already has an MoU with related agencies, but the MoU is still general.

The initial obstacle experienced by UNTAN in implementing the regulation (Permendikbud number 30 of 2021) was the lack of understanding of the Task Force members regarding the issue of sexual violence and how to handle it. However, these obstacles can be overcome by exchanging information with fellow task force members and establishing cooperation related to preventing and handling sexual violence. The next obstacle is the fact that the regulation is still relatively new, causing the Task Force to find it difficult to convey to all parties related to the existence of the Task Force plus the Task Force has various obligations, causing the team to have to make a tight schedule for the implementation of the various planned agendas.

The next data that the researcher obtained in following up on the enactment of the Permendikbud, Dr. Nurasikin, S.HI.,M.H. as the vice rector of University of Borneo Tarakan (UBT) and also the Head of PPKS-Task force said that UBT had immediately formed a Selection Committee in August 2021, then followed by the formation of the PPKS-Task force with open recruitment which was announced through the UBT website. The academic community responded well to the recruitment. This can be seen from the number of enthusiasts who want to participate in recruitment until a Task Force is formed with a total of 13 people who currently have a secretariat and have begun to actively carry out their duties.

UBT has conducted several socializations related to PPKS by cooperating with student organizations at the university and faculty level. The campus has also held seminars and webinars. Socialization will not only stop at students but will also target educators and lecturers. carrying out socialization with the theme of Preventing and Handling sexual violence in Student orientation event is also the next UBT agenda.

The obstacle faced when implementing this Permendikbud is that the community, especially campus residents, do not understand the function of the PPKS-Task force, plus there are still members of the task force who also do not have an understanding related

to Preventing and Handling sexual violence. This is because the issue of sexual violence is relatively new and sexual violence has not been maximally socialized at UBT. Therefore, there must be technical guidance for members of the Task Force related to Prevention and Handling of Sexual Violence (PPKS). The next obstacle is that there are still elements who blame the victim if sexual violence occurs and then the budget that cannot be approved because it has to go through the Vice Chancellor 3 is also an obstacle in efforts to prevent and handle sexual violence at UBT.

The UBT PPKS-Task Force in the process of handling cases of sexual violence also still has obstacles, namely the task force that does not have sufficient authority to handle cases if the perpetrators and places of sexual violence occur outside the campus. Although the handling process has all been carried out by the task force, the University cannot impose sanctions on the perpetrators. This means that the Task Force cannot process the case on behalf of the institution, so the victim herself must personally report it. The task force can only accompany the victim. However, UBT has also coordinated with the legal aid consultation center, so that if the complainant wants to proceed with the case, he can be accompanied by the Legal Aid Consultation Center. Another obstacle is that currently UBT does not have a rector regulation related to Preventing and Handling sexual violence.

In an effort to prevent and handle Sexual Violence in Higher Education, UBT has collaborated with the Tarakan City Women's Empowerment Service and the Psychologist Foundation. It is also hoped that we will be able to immediately establish cooperation with the police, prosecutors and other relevant agencies such as in the future.

Meanwhile, in implementing the Permendikbud Number 30 of 2021, University of Palangkaraya (UPR) has issued a regulation by the Chancellor of the University of Palangka Raya Number 09 of 2021, and has formed a Selection Committee and PPKS-Task force, which consist of 5 and 13 people, respectively. The Task Force was formed in March 2022 where previously in 2021, the University of Palangka Raya had formed a legal umbrella in the form of a rector regulation.

In addition to having formed a Task Force, UPR has also carried out dissemination and socialization related to Preventing and Handling sexual violence. The university has also received a budget of IDR 50,000,000; given in the context of efforts to prevent and handle sexual violence in UPR Higher Education.

One of the obstacles faced by the University of Palangka Raya was when the Selection Committee was formed, then there was a new policy that required the Selection Committee to take part in training, so the election had to be repeated from the beginning. While the final deadline for the formation of the panel is September 2022. Then there is a new policy that requires the minimum limit for the task force members to be 10 people, so the university is doing the process for the second time.

4. CONCLUSIONS

The leadership of state universities in Kalimantan acknowledges that cases of sexual violence in universities are like an iceberg phenomenon, which sticks out and appears on the surface less than what actually happens, and agrees on the importance of the Ministerial regulation on the Prevention and Handling of Sexual Violence in Universities which is an instrument that regulates the mechanism for preventing and handling sexual violence with a pattern in the formation of the PPKS-Task Force, improving infrastructure for handling and strengthening governance;

A year after the enactment of the Minister of Education and Culture, State Universities in Kalimantan implemented the Minister of Education and Culture in stages, outreach to all stakeholders, support and cooperation from the academic community, formation of task force selection committees, formation of task forces and task force facilitation in various forms such as financial support, infrastructure/technological assistance, personnel IT expert/team etc. Constraints and obstacles faced are related to legal problems, limited human resources who are ready to handle cases, implementation of recommendations and decisions of higher education leaders that are different from the legal process.

Therefore, there is a need for synchronization between the Ministerial Regulation with the provisions of higher legislation such as the Criminal Code, the Criminal Procedure Code and the Sexual Violence Crime Law and the need for synergy between the entire academic community and related parties such as DPPA, safe houses, hospitals, police, prosecutors and courts.

REFERENCES

Books

- Aroma Elmina Martha, 2003. Women of Violence and the Law, UII Press, Yogyakarta, pp.36
- Winarsunu, Tulus. 2008. Occupational Safety Psychology. Yogyakarta: UMM Press
- John M. Echols and Hassan Shadily, Indonesian English Dictionary, Gramedia Pustaka Utama, Jakarta, 1997, pp. 517.
- Shulamit Reinharz, 2005. (Translation from Lisabona Rahman and J Bambang Agung, Editor : SIta Aripurnami and Edriana Noerdin, Feminist Methods in Social Research, Jakarta, Women Research Institute, first edition, 1992 , Oxford University Press, Inc.), pp.98
- Simon Halliday and Patrick D. Schmidt. 2009. Conducting Law and Society Research: Reflection on Methods and Practice, Cambridge University Press, pp. 17.
- Siti Amira Hanifah, Thesis: "Discourse on Sexual Violence in the Academic World in Online Media"
- Students Prone to Sexual Harassment, Tanjung Pura University Forms Sexual Violence Task Force on Campus, Suara Pemred, 27 December 2021,
- Sulistyowati Irianto, 2012. Introducing Socio-Legal Studies and Its Methodological Implications, collection of writings in Adriaan W. Bedner, et al (Ed.) Socio-Legal Studies, Denpasar, Larasan Library, pp. 1
- Santana K, 2007, Scientific Writing of Qualitative Research Methods, Jakarta, Obor Foundation, pp. 15
- Syarif Hidayatullah State Islamic University, Jakarta, pp. 38.

Journals

- Achmad Fikri Oslami. 2021. Analysis of Permendikbudristek Number 30 Year 2021 In Effort to Prevent Sexual Violence. Al-Ahkam: Journal of Sharia and Islamic Courts Vol 1 No. 2.
- Usfiyatul Marfu"ah, Siti Rofi"ah, Maksun. 2021. "Sexual Violence Prevention and Management Systems on Campus" In Kafa'ah Journal, 11 (1). pp. 103

- Utami Zahirah Noviani, Rifdah Arifah, Sahadi Humaedi. 2018. "Overcoming and Preventing Sexual Violence on Women with Assertive Training" in Journal of Research & PPM Vol 5, No: 1. pp. 48
- Article 1 of the Draft Law on the Elimination of Sexual Violence. Usfiyatul Marfu'ah, Siti Rofi'ah, Maksun. 2021. "Sexual Violence Prevention and Management Systems on Campus" In Kafa'ah Journal, 11 (1). pp. 96
- Muhammad Jailani. Socio Legal Review Policy for The Prevention and Treatment of Sexual Violence (Ppks) In Islamic Religious Higher Educations (Ptiki) – Sk Dirjend Pendis Of The Republic Of Indonesia – Draft Regulation Of The Rector On PPKS. Journal of Gender and Social Inclusion in Muslim Societies | Vol. INo.2July-December 2020. Pp. 126
- Enjoy. 2020. "For the Good Name of Campus VS Victim Protection: Cases of Sexual Violence on Campus" in Qawwam: Journal for Gender Mainstreaming Vol. 14, No. 2. pp. 37
- Jeremy Chandra Sitorus. 2019. "Quo Vadis, Legal Protection Against Victims of Sexual Harassment on Campus". Lex Scientia Law Review, Volume 3 No. 1, pp. 30-39.

Webs

- Web Manager of the Ministry of Education and Culture, "Making a Higher Education Environment Safe from Sexual Violence", web address: [https://www.kemdikbud.go.id/main/blog/2021/12/hasilkan-lingungan-perguruan-tinggi-yang -safe-from-sexual violence](https://www.kemdikbud.go.id/main/blog/2021/12/hasilkan-lingungan-perguruan-tinggi-yang-safe-from-sexual-violence), (accessed February 10, 2022, 14:00).
- [https://www.voicepemredkalbar.com/read/ponticity/27122021/mahasiswa-rawan-harassment-sexual-universitas-tanjungpura -form-the-sexual-violence-satgas-on-campus](https://www.voicepemredkalbar.com/read/ponticity/27122021/mahasiswa-rawan-harassment-sexual-universitas-tanjungpura-form-the-sexual-violence-satgas-on-campus), accessed on 14 February 2022