

Prevention And Handling Of Sexual Violence In The Environment Universitas Negeri Makassar

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Abstract

Criminological Analysis of Sexual Violence in Higher Education (Study of the TPKS Law and the Minister of Education, Culture, Research, and Technology Regulation). The purpose of this study is to determine efforts to prevent and handle sexual violence in relation to the TPKS Law and to identify supporting and inhibiting factors in prevention and handling in higher education in relation to the TPKS Law. This study employed a mixed methods approach. Primary data came from field research, including interviews and a questionnaire to determine the number of sexual violence cases in higher education. Secondary data came from library research, including literature and books related to the research. Efforts to prevent and handle sexual violence in the university environment are linked to the TPKS Law and the Minister of Research, Technology and Higher Education Regulation. The supporting factor in the process of preventing and handling sexual violence cases at UNM is the excellent support from the University Leadership. The obstacles in the performance of the PPKS Task Force are the adjustment of time between the PPKS Task Force Team for case examinations due to the busy main tasks so that examinations are often carried out outside campus operating hours, limited facilities and infrastructure also become obstacles in the performance of the UNM PPKS Task Force

Keywords: Violence, Sexual Violence, Criminology, Criminology of Violence, Immorality

INTRODUCTION

As a preventive and repressive measure against sexual violence, the government passed Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, hereinafter referred to as

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IJEVSS, Volume 04 Issue 03, 2025



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the TPKS Law. The TPKS Law regulates forms and types of sexual violence that were previously not fully accommodated in existing laws and regulations. Systemic and participatory prevention of sexual violence, legal protection, justice, and recovery for victims and their families, procedural law that guarantees victims receive protection and justice, and sanctions and rehabilitation for perpetrators are regulated in the TPKS Law. It is expected to become one of the instruments for preventing and handling sexual violence in Indonesia. As explained in the academic text of the TPKS Law, the impact of sexual violence is physical, mental, socioeconomic, moral, and spiritual damage, both short-term and long-term. Provisions related to sanctions in cases of sexual violence should be oriented towards justice and the benefit of victims, as well as a deterrent effect and rehabilitation for perpetrators. The TPKS Law regulates criminal provisions that do not punish victims.

Specifically for higher education, the government has ratified the Regulation of the Minister of Education, Culture, Research, and Technology of the Republic of Indonesia Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence in Higher Education Environments. Regulation of the Minister of Education, Culture, Research, and Technology Number 30 of 2021 concerning Sexual Violence in Higher Education defines: "Sexual violence is any act that demeans, insults, harasses, and/or attacks a person's body and/or reproductive function, due to unequal power relations and/or gender, which results in or may result in psychological and/or physical suffering, including those that disrupt a person's reproductive health and the loss of the opportunity to undertake higher education safely and optimally." Permendikbudristekdikti Law Number 30 of 2021 regulates the prevention of sexual violence through various methods, including the integration of material on preventing sexual violence and improving spatial planning.

Regulation of the Minister of Research, Technology, and Higher Education Number 30 of 2021 and Regulation of the Secretary General of the Ministry of Education, Culture, Research, and Technology Number 17 of 2022 assign the task to universities through the PPKS task force to carry out handling efforts in the form of protection, handling administrative sanctions and victim recovery based on the consent of the victim/parent/guardian of the victim. Handling of sexual violence in universities does not override the applicable legal process as emphasized in Article 18 of Regulation of the Minister of Education, Culture, Research, and Technology Number 30 of 2021 "The imposition of administrative sanctions as referred to in Article 14 does not override the imposition of other administrative sanctions." Ministerial Regulation of Education, Research, and Technology Number 55 of 2024 is an improvement and addition to the types of violence from



Ministerial Regulation of Education, Research, and Technology Number 30 of 2021. Ministerial Regulation of Education, Research, and Technology Number 55 of 2024 provides an expansion regarding the definition of violence in higher education: "Violence is any act with or without the use of physical force that causes harm to the body or life, results in physical, sexual, or psychological suffering, and deprives people of liberty, including making people unconscious or helpless."

The constitutional rights held by citizens include the right to life, the right to be free from threats, the right to protection from violence and discrimination, the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law. The fulfillment of this right is also related to other constitutional rights, namely the right to protection and the right to justice to emphasize its implementation in handling cases of sexual violence.

Sexual violence in Indonesia is a case that is increasingly urgent and continues to increase every year because sexual harassment is one of the major crimes like other major crimes that influence and have an impact on the destruction of the social order of the Indonesian nation, which of course threatens the future of the young generation of our nation because they are the young generation who will continue the noble ideals of the nation, future leaders of the nation as a source of hope for the previous generation, which needs to get the widest possible opportunity to grow and develop naturally both spiritually, physically, and socially.

Based on data from the online information system for the protection of women and children (Simfoni PPA) in 2024, there were 10,703 cases of violence in Indonesia, dominated by 4,966 cases of sexual violence. During the 2015-2021 period, the National Commission on Violence Against Women received 67 reports of cases of sexual violence in educational environments, of which the majority (35%) came from campuses or universities. 3 In addition to campuses, other educational environments that reported many cases of sexual violence were Islamic boarding schools (16%) and high schools/vocational schools (15%). Then followed at the junior high school, elementary school, kindergarten, special schools (SLB), vocational schools, and church education with a smaller proportion. Based on the background of the problem as mentioned above, the formulation of the problem proposed in this study is How are efforts to prevent and handle sexual violence in higher education environments related to the TPKE Law and the Minister of Research, Technology, and Higher Education Regulation?



RESEARCH METHODS

This study employed a mixed methods approach. Primary data came from field research, including interviews and a questionnaire to determine the number of sexual violence cases in higher education. Secondary data came from library research, including literature and books related to the research.

RESULT AND DISCUSSION

Understanding the basic concept of sexual violence is a fundamental step before delving deeper into its legal analysis. Sexual violence is not a single act, but rather a broad spectrum of behaviors, ranging from verbal harassment with sexual overtones to the most brutal physical assaults, such as rape. A comprehensive definition goes beyond mere physical contact to encompass any act that degrades, insults, or attacks a person's sexuality without consent. This includes acts committed online, exploitation, or coercion related to reproductive organs. Lack of understanding of this broad spectrum often leads to many forms of sexual violence being underestimated or even unrecognized as violence. The combination of these two elements demonstrates that the core of the crime of sexual violence is an attack on an individual's autonomy and dignity through sexuality. Contemporary law, as reflected in the TPKS Law, seeks to capture this broader scope by no longer requiring solely physical "violence or threat of violence." The recognition that coercion can be psychological and that attacks can be non-physical represents a significant advancement in criminal law. This allows the law to encompass more forms of conduct that are essentially violent, even if they do not leave visible physical scars.

In general, sexual violence is often understood by society as rape or physical assault involving forced sexual contact. However, this understanding is very narrow and cannot accommodate all types of sexual violence. This general definition tends to ignore other, more subtle but equally damaging forms of violence, such as verbal abuse, exhibitionism, or the unauthorized distribution of intimate content. This limited definition in the public mind is one of the obstacles to prevention and response efforts, because many survivors do not realize that what they experienced was a form of sexual violence that can be processed legally and requires reparation.

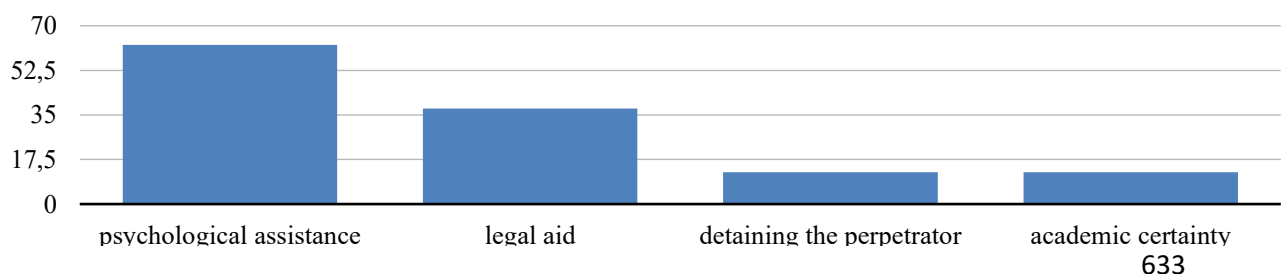
Academically and legally, the definition of sexual violence is much broader and more comprehensive. The United Nations, in its Declaration on the Elimination of Violence against Women, defines it as any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts,



coercion, or arbitrary deprivation of liberty. The Indonesian TPKS Law also adopts a broad definition detailing nine forms of sexual violence, encompassing both physical and non-physical violence, and occurring in both the physical and cyber worlds.

The concept of "moral offenses" (zedendelicten) , regulated in Chapter XIV of the old Criminal Code, is at the heart of the problematic regulation of sexual violence. The legal interest (rechtsbelang) that this chapter seeks to protect is not an individual's right to their own body, but rather a "sense of morality," or the collective morality of society. This means that an act is considered evil not because it harms someone personally, but because it is perceived as disrupting the moral order and norms of decency prevailing in the public sphere. As a result, the focus of law enforcement shifted from victim reparation to prosecution of violators of morality. This shift in focus has serious implications. First, it tends to equate sexual violence involving coercion with consensual sexual activity deemed "immoral" by the state, such as extramarital relations. Second, because of its focus on public morality, cases of sexual violence occurring in the private sphere, such as within the household, are often considered not a legal matter as long as they do not "disturb public order." This creates impunity for perpetrators of domestic violence. Third, and most damaging, is the victim's position.

Specifically in higher education, violence, particularly sexual violence, has become a particular concern with the enactment of Regulation of the Minister of Education, Culture, Research, and Technology Number 30 of 2021, which was later expanded by Regulation of the Minister of Education, Culture, Research, and Technology Number 55 of 2024 concerning the Prevention and Handling of Violence in Higher Education Environments. Based on research results, the majority of academics at Makassar State University have witnessed, heard of, or experienced sexual violence, whether on a mild, moderate, or severe scale. Based on the case data entered by the UNM PPKS Task Force, a total of 9 cases (Based on the PPKS Task Force Reporting Channel) with details in 2023: 2 cases, 2024: 5 cases and 2025: 1 case. In addition to the official reports received, there were also consultations with the UNM PPKS Task Force but no official reports were made. In 2023: 3 consultations, in 2024: 14 consultations, and in 2025: 4 consultations. The initial needs or objectives of the alleged victims in making the report are :



Based on the diagram above, the purpose of the alleged victim in reporting is to obtain Psychological Assistance/Counseling: 62.5%, obtain Legal Assistance/Assistance: 37.5%, obtain study certainty/Academic Assistance: 12.5% and the purpose of deterring the perpetrator: 12.5%. Regulation of the Minister of Education, Culture, Research, and Technology Number 55 of 2024 concerning the Prevention and Handling of Violence in Higher Education Environments emphasizes the need to facilitate victims and/or reporters to report to law enforcement officials when necessary. Law enforcement officials will utilize the Law on Sexual Violence Crimes (UU TPKS) and comply with the Indonesian judicial system.

The Indonesian criminal justice system adheres to the negative theory of proof based on law, or what is known as the negative *wettelijk bewijstheorie*. This principle is implicitly regulated in Article 183 of the Criminal Procedure Code (KUHP), which states, "A judge may not impose a sentence on a person unless, with at least two valid pieces of evidence, he has obtained the conviction that a crime has actually occurred and that the defendant is guilty of committing it." From this article, there are two cumulative requirements that must be met to declare someone guilty, namely the objective requirement of at least two valid pieces of evidence, and the subjective requirement of the judge's conviction. This principle is a middle ground between a system of proof based purely on law (which can be very rigid) and a system of proof based purely on the judge's conviction (which can be very subjective).

The evidence legally recognized by the Criminal Procedure Code is regulated in a limited manner in Article 184, namely witness testimony, expert testimony, letters, clues, and the defendant's testimony. Outside of these five pieces of evidence, formally nothing can be considered valid evidence, although in its development, the interpretation of judges and special laws have expanded the meaning of this evidence, especially written evidence and clues. Within this evidentiary framework, there is also the principle of *in dubio pro reo*, which means "if there is doubt, then the decision must be rendered in favor of the defendant." This principle is a derivative of the principle of presumption of innocence and functions as a safety net to prevent the punishment of innocent people (miscarriage of justice).

Although fundamental, the application of this principle in cases of sexual violence is often controversial, particularly when the judge's hesitation stems from a lack of conventional evidence, rather than from other evidence that strongly refutes the prosecution's case. Proving sexual violence cases often faces a unique and systemic set of obstacles, making it one of the most difficult types of criminal cases to prove. These obstacles are not only technical and legal in nature, but also deeply rooted in the nature of the crime itself and the socio-cultural context of society.



The failure of the justice system to understand and address these obstacles is often the main cause of low reporting rates, high rates of cases being dropped at the investigation stage, and numerous acquittals, which victims and the public perceive as unfair. The first and most fundamental obstacle is the private nature of these crimes. Sexual violence almost always occurs in hidden locations, without other people present. This automatically creates a scarcity of eyewitnesses, which in conventional evidentiary systems are crucial evidence. As a result, cases often rely solely on the victim's testimony versus the perpetrator's, an inherently difficult situation that places a heavy psychological burden on victims in convincing the justice system.

The second obstacle relates to physical evidence. Many forms of sexual violence leave no visible physical traces. Verbal abuse, visual exploitation, or even certain lewd acts may not result in cuts or bruises. Even if biological evidence such as semen or DNA is present, it is highly susceptible to loss over time. Delays in reporting by victims, often due to shock, embarrassment, or threats, often make it impossible to recover crucial physical evidence. A key characteristic of sexual violence is that it occurs in the private sphere, away from public view. Perpetrators deliberately choose quiet and isolated times and places to commit their crimes, such as bedrooms, empty houses, or other secluded locations. The goal is to ensure that no one else sees or hears them, thus maintaining complete control over the victim and minimizing the risk of being caught. This hidden nature is the source of the most fundamental obstacle to evidence: the scarcity of direct eyewitnesses.

In the criminal procedure system, witness testimony is considered one of the strongest pieces of evidence. However, in cases of sexual assault, it is nearly impossible to present witnesses who directly witnessed the incident. The available witnesses are usually indirect witnesses (*testimonium de auditu*), namely those who heard the story from the victim after the incident, such as friends, family, or counselors. Although according to the Criminal Procedure Code (KUHP), such testimony cannot be used as primary evidence, in practice and recent jurisprudence, consistent testimony from several indirect witnesses can strengthen the victim's testimony and become valuable indicative evidence. In addition to strengthening the position of victim testimony, the TPKS Law also expands the list of legally recognized evidence in sexual violence cases. It explicitly includes psychological examination results, certificates from psychologists or psychiatrists, electronic information, and even medical records as valid indicative or documentary evidence. Thus, the TPKS Law provides prosecutors with more legal ammunition to build their cases and provides clearer guidelines for judges in assessing evidence. This approach



is expected to reduce the number of cases dismissed due to "insufficient evidence" and improve access to justice for victims.

CONCLUSION

Efforts to prevent and handle sexual violence in the university environment are linked to the TPKS Law and the Minister of Research, Technology, and Higher Education Regulation. Based on the order of the Minister of Research, Technology, and Higher Education Regulation No. 30 of 2021 concerning the prevention and handling of sexual violence in the university environment and the Minister of Research, Technology, and Higher Education Regulation No. 55 of 2024 concerning the prevention and handling of 111 cases of violence in universities, the UNM PPKS Task Force carries out regular outreach to the academic community of Makassar State University and Campus Residents on an ongoing basis at least once a year. The PPKS Task Force also provides consultation services through WhatsApp, Email, Instagram, or directly to the PPKS Task Force Team. The PPKS Task Force also collaborates with several Internal Technical Implementation Units (UPTs) such as the Psychological Services Center and Counseling Guidance in the outreach process. The PPKS Task Force also maintains open communication with Student Organizations by involving themselves in outreach at the Student Organization level as a resource person. For Handling Efforts, the PPKS Task Force carries out its duties based on the Minister of Research, Technology, and Higher Education Regulation and does not disregard the TPKS Law. The PPKS Task Force can accompany victims to report to law enforcement officials if there is a request from the alleged victim, after making an official report to the UNM PPKS Task Force. The UNM PPKS Task Force in handling cases involves relevant agencies if necessary, for example the Women's Empowerment and Child Protection Service (DP3A), the Witness and Victim Protection Agency, and other agencies according to the needs of the alleged victim/victims.

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