



## Protection of Victims of Sexual Violence in Higher Education based on a Progressive Legal Perspective

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**Abstract:** The purpose of this study is to analyze the protection of victims of sexual violence in higher education based on a progressive legal perspective. This type of research method is legal research that is normative in nature using a statutory approach and a case approach. The analysis used is Descriptive data analysis with a qualitative approach to secondary data and primary data. The results of this study show that there is progressiveness to provide comprehensive protection for victims of sexual harassment or violence in higher education. This is evidenced by the implementation of the Permendikbud ristek number 30 of 2021 concerning the prevention and handling of sexual violence in universities which is a legal umbrella that is more exclusive than the Criminal Code in resolving sexual violence on campus because victim protection based on the Criminal Code, only focuses on sanctions of perpetrators without rigid protection of victims, while the Minister of Education and Culture Ristek, The rights of victims are made a priority, which is certainly in line with progressive laws that prioritize legal recensorship according to the times.

**Keywords:** Sexual Violence; College; Progressive Law

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## 1. Introduction

The term progressive law here is a legal term introduced by Satjipto Rahardjo, which is based on the basic assumption that law is for humans. Satjipto Rahardjo is concerned with the low contribution of legal science in enlightening the Indonesian nation, in overcoming crises, including the crisis in the field of law itself. Related to this progressive law, the problem of sexual violence in universities deserves to be highlighted. In recent years, the public's attention has focused on sexual violence that occurred in the realm of tertiary institutions or terms of sexual violence on campus. Sexual violence that occurs on campus involves elements from both lecturers and students, such as issuing seductions, and jokes that contain pornography to the point of poking or touching the victim's body which is sometimes accompanied by threats if the victim does not want to comply with the perpetrator's request. Sexual harassment, which means not only physical touch, a word that is not appropriate to say, also includes indirect sexual harassment.<sup>1</sup>

The physical impact experienced by victims of sexual violence can be seen directly or with the naked eye and of course, this requires quite a long time for the recovery stage. Especially this happens to the victim who in this case is a child because it will interfere with social functioning in carrying out daily life activities.<sup>2</sup> Meanwhile, the mental impact experienced by victims of sexual violence is in the form of feelings of trauma or fear and even experiencing psychiatric disorders, which take a very long time to heal.

Cases of sexual violence that occur in the world of education are cases that are rather difficult to dismantle. There are several reasons why this sexual harassment is difficult to reveal, and it has only been revealed after many cases. First. The perpetrators are lecturers or figures whose words are trusted by students so with this power relation, they can freely commit acts of sexual crimes. Second. Victims of sexual violence feel afraid to report this. This is related to the first reason, which is related to power. Victims have concerns about their future in education, and the same thing in the world of work because it involves the victim's career. Third. Most victims are afraid to report it because it concerns their disgrace and they are worried about the acceptance of society as well as their future, both within their community. or community environment. Fourth. For sexual violence, certain acts are difficult to prove with post-mortem evidence if there are no witnesses who directly saw or heard the incident so the victim has the potential to be reported either by the perpetrator or the victim has the potential to be convicted due to a lack of evidence. This shows that legal

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<sup>1</sup> Printa Dewi Uma; Dyah Ikhtiariza; Hanifatus Salamah; Alfira Mega Syahfitri; Muhammad Azzahra and Nabiila; Naufal, "Analisis Kasus Kekerasan Seksual Mahasiswi Unri Terhadap Permendikbudristek No 30 Tahun 2021," *Jurnal Aplikasi Teknologi Pangan* 4, no. 1 (2021): 1–2.

<sup>2</sup> Yoga Tursilarini Tateki, "Dampak Kekerasan Seksual Di Ranah Domestik Terhadap Keberlangsungan Hidup Anak," *Media Informasi Penelitian Kesejahteraan Sosial* 41, no. 1 (2017): 77–92.

weaknesses are often used as scapegoats so that many criminal acts cannot be prosecuted by law.<sup>3</sup>

Legal efforts or settlement steps regulated according to positive law in Indonesia refer to the Criminal Code or Criminal Code. For example, obscenity acts are regulated in the second book on crime, Chapter XIV on crimes of decency, articles 281 to 303. These acts are defined as any act deemed to violate decency/decency, which can be classified as an obscene act. For example, obscene acts committed by married men or women are regulated in Article 284, rape in Article 285, or persuading adults to commit obscenity in Article 293. Sexual harassment can be charged under the fornication article, namely Articles 289 to 296 with a maximum penalty of 5 years imprisonment.<sup>4</sup>

Along with the virality of various cases of sexual violence in tertiary institutions, as a responsive step on the part of the government to prevent the recurrence of acts of sexual violence in tertiary institutions, the Minister of Education, Culture, Research and Technology Regulation Number 30 of 2021 was issued concerning the Prevention and Handling of Sexual Violence in Higher Education. College. The Minister of Education and Culture and Research and Technology is seen as a progressive step by several parties amid concerns over the high level of sexual violence in tertiary institutions. The existence of this more comprehensive legal basis, is in line with Satjipto Rahardjo's understanding which means that progressive law is a series of radical actions, by changing the legal system (including changing legal regulations if necessary) so that law is more useful, especially in raising self-esteem and ensuring human happiness and well-being. Based on the background above, the researcher formulated a problem formulation, namely regarding the existence of prevention and handling of sexual violence in tertiary institutions based on a progressive legal perspective. Theoretically, this research is expected to serve as material for thought for improving regulations in the field of prevention and handling of sexual violence in tertiary institutions, especially about the legal implications of enacting Permendikbud number 30 of 2021 from a progressive legal perspective. In addition, the results of this study will also be able to add to the literature in the field of protection for victims of sexual violence in tertiary institutions, and can be used as information material containing empirical data as a basis for further research. Practically, the results of this research can be used as input for the Government, especially the Ministry of Research, Technology and Higher Education or the Government in structuring regulations regarding the prevention and handling of sexual violence in tertiary institutions.

## 2. Method

This research uses normative research, or research that uses literature review based on a system of norms. This method is used to find a truth based on

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<sup>3</sup> Dian Ekawaty Ismail, "Cyber Crime," *Criminal Law and Economics* 6, no. September (2009): 346–74.

<sup>4</sup> The Criminal Code (KUHP)

scientific logic that is seen from the normative side as well as based on the object of the law itself. In this research approach, researchers use normative research methods, and the approach method that will be used in this research is the statutory approach, in which the laws that will be used in this study are:

- a. Regulation of the Minister of Education, Culture, Research and Technology of the Republic of Indonesia Number 30 of 2021
- b. The Criminal Code

In this study, the authors collected data through internet media and from related sources such as interviews with related task forces. The data analysis technique in this study is Descriptive data analysis with a qualitative approach to secondary data and primary data.

### **3. Protection of Victims Based on the Minister of Education and Culture and Research and Technology Regulation No. 30 of 2021 in a Progressive Legal Perspective**

The constitution as the highest law regulates the administration of the state based on democratic principles, and one of the functions of the constitution is to protect human rights guaranteed in the constitution, so that they become constitutional rights of citizens.<sup>5</sup>Based on this, gender-based violence, especially that occurs a lot against women, deserves to be a conversation that is getting hotter and happening more and more every day. This is based on a mode or method that is always developing without being followed by a policy for the protection of victims and society that can accommodate and meet their needs. Sexual violence is a form of crime that can be carried out at any time and in various places, one of which is in the scope of higher education, such as on campus. The resulting effects of sexual violence on victims include feeling that they are no longer pure or dirty, fear, low self-esteem, difficulty controlling emotions, fear of marriage, depression, depression,<sup>6</sup>

Permendikbudristek Number 30 of 2021 classifies victims not only to the students themselves, including Educators, Education Personnel, Campus Residents, and the general public who experience sexual violence in tertiary institutions. For example, in the case where the perpetrators are students and the victims are educators, the procedure used remains the same, namely using the procedures contained in the Minister of Education and Culture and Higher Education Regulation Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence in Higher Education. Likewise for perpetrators and victims, which do not limit the place of occurrence of cases as long as the subject in question is a

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<sup>5</sup> Ahmad Ahmad and Novendri M. Nggilu, "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution," *Jurnal Konstitusi* 16, no. 4 (2020): 785, <https://doi.org/10.31078/jk1646>.

<sup>6</sup> Andika Suherman, "Analisis Fungsi Peraturan Menteri Pendidikan, Kebudayaan, Riset Dan Teknologi Nomor 30 Tahun 2021 Dalam Mencegah Kekerasan Seksual Di Kampus," *Jurnal Ilmiah Wahana Pendidikan* 7, no. 7 (2021): 175.

university community or regulated in the Minister of Education and Culture and Higher Education. Because this ministerial regulation specifically regulates the pattern of prevention and treatment for regulated legal subjects. This Permendikbud also classifies the negative impacts of sexual violence into five sections, namely economic, social, mental health, physical and behavior. So that many of them decide to stop continuing their studies due to internal trauma that is difficult to treat.<sup>7</sup>

In fact, every student has the right to receive guidance on how to report all forms of sexual harassment that befalls him. Referring to Law Number 39 of 1999 concerning Human Rights which states that everyone has the right to protection for his development, to obtain education, to educate himself, and to improve the quality of his life so that he becomes a human being who has faith, is pious, responsible, has noble character, is happy. , and prosper in accordance with human rights. However, in several cases the victims experienced distortion of facts or obfuscation of facts. It almost happens on many small campuses and large campuses in Indonesia that even higher education institutions tend to be skeptical and try to drown out issues, in order to maintain campus reputation.<sup>8</sup>, from this theory, law enforcement officials also tend to focus too much on sanctions against perpetrators, if the perpetrator is considered to have received criminal sanctions, then proportionality has been achieved, in fact, there is something more important than just sanctions, namely rights and comprehensive protection against victim

The Ministry of Education and Culture, in this case, is trying to come up with a solution, including issuing a new regulation, namely Permendikbud No. 30 of 2021 concerning the prevention and handling of sexual violence in the Higher Education Environment. The Regulation of the Minister of Education, Culture, Research and Technology number 30 of 2021 concerning the Prevention and Handling of Sexual Violence in Higher Education Environment has been regulated in Chapter II, where prevention is carried out in stages in each section, namely:

#### **1. Prevention by Universities**

In Part one of this Ministerial Regulation contained in article 6, it is stated that there are 3 means of preventing sexual violence in Higher Education which include:

- a. Learning;
- b. Governance Strengthening; and
- c. Strengthening the Culture of the Student Community, Educators, and Education Personnel.

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<sup>7</sup>Ibid, Andika Suherman

<sup>8</sup> Moh U Rusdiyanto Puluhulawa et al., “Kebijakan Kriminal Dalam Penanggulangan Tindak Pidana Penganiayaan Menggunakan Panah Wayer Oleh Anak Di Kota Gorontalo,” *Jurnal Yuridis* 6, no. 2 (2019): 93–117.

Prevention through learning is carried out by higher education leaders by requiring students, educators, and education staff to study the module on prevention and handling of sexual violence set by the Ministry. So here is the role of the ministry to make derivative regulations from this Permendikbudristek namely the Prevention and Handling of Sexual Violence module which will be applied to all tertiary institutions in Indonesia, so that they have a common understanding between tertiary institutions in understanding the problems of sexual violence that exist on campus.

Furthermore, at the policy level that supports the Prevention and Handling of Sexual Violence in Higher Education, there is a strengthening of management management if these cases occur in Higher Education, several steps in the field of governance, namely:

- a. Establish a Task Force
- b. Arrange prevention and treatment guidelines Sexual Violence;
- c. Limiting meetings between students and educators and/or education staff outside campus operating hours and/or outside the campus area;
- d. Providing sexual violence reporting services;
- e. Train students, educators, education staff, and campus residents related to Prevention and Handling efforts Sexual Violence;
- f. Carry out regular outreach regarding the guidelines for the Prevention and Handling of Sexual Violence to students, educators, education staff, and campus residents;
- g. put up an information sign containing:
  1. Inclusion of a sexual violence complaint service;
  2. Warning that College campuses do not tolerate sexual violence;
  3. Provide adequate accommodation for persons with disabilities for the Prevention and Handling of Sexual Violence;
  4. Collaborating with relevant agencies to prevent and deal with sexual violence.

The form of prevention is through strengthening the local culture of students, educators and education staff at Permendikbudristek number 30 of 2021 in the form of communication, information, and education regarding the Prevention and Handling of Sexual Violence carried out in campus activities namely, introduction to campus life for Students, Educators, and Education personnel, student organizations, informal communication networks of students, educators and education personnel. From the forms in Permendikbudristek number 30 of 2021 the author sees how this regulation invites all academics involved in Higher Education to

have one integral understanding of the prevention of sexual violence in Higher Education.

## **2.Prevention by Educators and Education Personnel**

In the second part of this Ministerial Regulation contained in article 7, regulates the model for preventing sexual violence in Higher Education by Educators and Education Personnel with the following steps:

- a. Limiting meetings with individual students either outside the campus area, outside campus operating hours or for purposes other than the learning process, without the approval of the head/head of the study program or the head of the department.
- b. Playing an active role in the Prevention of Sexual Violence.
- c. If the educator concerned is the head/head of the study program or head of the department, approval must be given by the superior of the head/head of the study program or head of the department concerned.

## **3.Prevention of sexual violence by students**

The third part of this Ministerial Regulation is contained in article 8, which regulates the model for preventing sexual violence by students whose form of prevention is also the same as what is regulated in article 7 of this regulation.

## **4. Steps to handle sexual violence in Higher Education**

According to the author, the steps for handling sexual violence that occur in tertiary institutions are quite comprehensive, which are regulated in Chapter III Article 10 which states that tertiary institutions are required to handle sexual violence through:

- a. Accompaniment;
- b. Protection;
- c. Imposition of administrative sanctions; and
- d. Victim recovery

Each of these handlings has also been clearly regulated in article by article so that the handling of cases of sexual violence in tertiary institutions can be implemented properly.

In essence, the models for preventing and handling sexual violence in tertiary institutions must have a joint role and support each other in tackling this problem of sexual harassment, which is increasing in number of cases in Indonesia because based on progressive law, the Minister of Education and Culture has included behavior as an element. important in law and more specifically in law enforcement. To overcome stagnation in the process of law enforcement in tertiary institutions, it is necessary to see, pay attention to and discuss all aspects of behavior in earnest, as well as attention to regulatory components. If this is not done, then the legal

system will be incomplete if the components of the system only consist of regulations and institutions and or structures.

Law enforcement in Indonesia actually has several factors that drive the spirit of law enforcement itself. If we look through the perspective of the legal system in social science, the legal substance in Indonesia (laws and regulations under the law) tends to be passive and not futuristic, in the sense that these legal substances are left behind from the dynamics of society which give rise to many problems. completely untouched by the law. This is a reflection that positive law in Indonesia is still classic and not visionary. This also applies to the handling of sexual violence in tertiary institutions which needs to be specifically regulated with new regulations that will be more progressive in dealing with cases that occur in these tertiary institutions. According to Friedman, the missing element that gives life to the legal system is 'legal culture'. Legal culture refers to attitudes, values and opinions in society with an emphasis on law, the legal system and various parts of the law. Thus, in addition to a strong structure and substance in the implementation of this Permendikbud Ristek, cooperation from all parties in the academic community is also needed to have one vision, so that the learning process in tertiary institutions will feel comfortable for all parties without feeling afraid to come to campus so that implementation of the Tridharma of Higher Education will also be achieved.<sup>9</sup>

### **3.1 Existence of Minister of Education and Culture Regulation Number 30 of 2021 on the Criminal Code in Preventing and Resolving Cases of Sexual Violence on Campus**

In the Minister of Education and Culture, the protection and rights of victims are a top priority. Nadiem Makarim emphasized that this Permendikbud is a means of protecting victims and preventing the continuation of cases of violence they have experienced. It is explained more clearly that to prevent and deal with sexual violence, the Permendikbud uses the principles of best interests for victims, justice and gender equality, equal rights and accessibility for persons with disabilities, accountability, independence, prudence, consistency, and guarantees of non-recurrence. All elements in the Higher Education Environment, both students and educators, are targeted according to what is contained in article 4 of this Permendikbud.<sup>10</sup>

Specifically explained in Article 5 of this Permendikbud there are 21 various types of sexual violence. The whole which includes verbal or spoken actions,

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<sup>9</sup> L.M Friedman, *Sistem Hukum: Perspektif Ilmu Sosial* (Nusamedia, 2019).

<sup>10</sup> Erinca Febrianti et al., "Analisis Kebijakan Permendikbud Ristek Nomor 30 Tahun 2021 Dalam Upaya Pencegahan Dan Penanganan Kekerasan Seksual Di Universitas Muhammadiyah Ponorogo," *Jurnal Ilmu Pemerintahan Suara Khatulistiwa* 7, no. 1 (2022): 52–62, <https://doi.org/10.33701/jipsk.v7i1.2529>.



physical and non-physical, as well as actions carried out through information and communication technology are classified as sexual violence. Forms of sexual violence in words or deeds through information and communication technology are included because they are often considered trivial, but in reality it greatly impacts the psychology of the victim and can limit the right to education or academic work.<sup>11</sup>

The basic concept that is the core of this Permendikbud is contained in Article 14 which explains the orientation of imposing sanctions on perpetrators based on the impact received by victims and the campus environment, not towards the perpetrators themselves. As a follow-up to this Ministerial Regulation, the formation of a Task Force must be carried out by all tertiary institutions in Indonesia in accordance with a predetermined timeframe, the task force will be formed through a selection stage consisting of educators, educational staff, and students with due regard to the representation of women's membership , a minimum of two-thirds of the total number of members. If during the time the task force was formed there was an act of sexual violence, then the university can report the case quickly and decisively through the platform provided. Which later, the ministry will decide what steps the university can take. The task force that has been formed based on the mandate of the PPKS PT Ministerial Regulation can work together in terms of providing protection for victims and/or witnesses who report sexual violence. This is important considering the tasks and authorities of the task force are quite numerous and at risk in handling cases of sexual violence in tertiary institutions.<sup>12</sup>

Sexual violence is not an act that can be tolerated because of the huge impact it has on the victims, both psychologically and physically. Therefore, many regulations have been made by the government as a form of protection for victims. One of the places that is prone to sexual violence is the university environment. It is for this reason that the government issued a Regulation of the Minister of Education, Culture, Research and Technology (Permendikbud Ristek) which specifically regulates sexual violence in the university environment. The current rampant cases of harassment, especially against women in tertiary institutions, do need a legal reference, namely the Minister of Education and Culture and Research and Technology Number 30 of 2021.<sup>13</sup>

One of the mandates of the Opening of the 1945 Constitution of the Republic of Indonesia as the *modus vivendi* (noble agreement) for the formation of the Indonesian state in the fourth paragraph states that one of the goals of the state is "to protect the entire Indonesian nation", this has provided a bridge to the

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<sup>11</sup>Ibid. Erinca Febriant

<sup>12</sup> Utami Zahirah Noviani et al., "Mengatasi dan Mencegah Tindak Kekerasan Seksual pada Perempuan dengan Pelatihan AsertiF," *Jurnal Penelitian & PPM* 5, no. 1 (2018): 49.

<sup>13</sup> Nova Ardiyanti Suryani, "Perlindungan Hukum Terhadap Anak Sebagai Korban Tindak Pidana Penganiayaan Ditinjau Dari Undang – Undang Perlindungan Anak," *Media of Law and Sharia* 2, no. 1 (2021): 134–35.

existence of holistic and comprehensive protection that become the responsibility of the state along with the elements of the state inherent in it.<sup>14</sup>Therefore, as a rule of law country, of course the Government of Indonesia must provide protection for every citizen by providing institutions capable of providing justice in the form of a free and neutral judiciary.

Permendikbud Number 30 of 2021 is a new regulation that has been established by the government and regulates the Prevention and Handling of Sexual Violence in Higher Education. The purpose of issuing this regulation is as an effort to prevent sexual violence in tertiary institutions and also to strengthen the handling of sexual violence through assistance, recovery of victims, administrative sanctions and protection. Of course, there are several underlying factors that make it difficult for victims to be able to identify and also accept the acts of sexual harassment they experience, such as confusion about what happened to themselves, shame, blaming the victim by people in their environment, and positioning the victim as guilty. judged by the way they dress, lifestyle and personal life come to the fore,<sup>15</sup>

The Indonesian Criminal Law System actually regulates the protection of victims related to sexual violence, namely:

#### Article 285 of the Criminal Code

*"Anyone who by force or threat of force forces a woman to have intercourse with him outside of marriage, is threatened with committing rape with a maximum imprisonment of twelve years."*

#### Article 289 of the Criminal Code

*"Whoever by force or threat of force forces someone to commit or allow obscene acts to be carried out, is punished for committing an act that attacks the honor of decency with a maximum sentence of nine years."*

However, in practice the Criminal Code is considered insufficient in dealing with the problems faced by victims of sexual harassment or violence because it only contains regulations for the intended perpetrators or suspects of harassment but does not provide protection for victims of sexual harassment. Even in its implementation, not a few cases that were resolved based on the Criminal Code did not run smoothly and were also not resolved until the victims got justice. Let's look at the case in January 2022, where a lecturer at the Faculty of Sharia, allegedly sexually assaulted a student which resulted in a demonstration by

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<sup>14</sup> Mohamad Rizky Alhasni, Lisnawaty W Badu, and Novendri M Nggilu, "ANAK DI BAWAH UMUR ' Reduce The Role Of Policy In Preventing Criminal Function Of Children Under The Age '" 12, no. 2 (n.d.): 110–23.

<sup>15</sup> Aulia Virgistasari and Anang Dony Irawan, "Pelecehan Seksual Terhadap Korban Ditinjau Dari Permendikbud Nomor 30 Tahun 2021," *Media of Law and Sharia* 3, no. 2 (2022): 106–1123, <https://doi.org/10.18196/mls.v3i2.14336>.

dozens of students who were members of the Sultan Amai Gorontalo State Islamic Institute (IAIN) student alliance. This case began when a lecturer who was later discovered to have the initials, SH, It was alleged that he committed a dishonorable act when the student was about to take a follow-up final semester exam (UAS). The student admitted that the incident occurred when the lecturer, SH, invited her to get into the car and then headed to one of SH's shops in Gorontalo City. On the way to the place, SH admitted that he was tired and asked that he be allowed to sleep at the student's boarding house. But the request was rejected by the student. The lecturer is said to have asked the student to accompany him to rest at the inn. The request was again refused, until finally the unscrupulous lecturer was suspected of having committed an indecent act towards the female student. The student then asked to get out of the car and then go home. However, this act left the student feeling traumatized.<sup>16</sup> Meanwhile SH through the news of a number of online media denied allegations of sexual harassment addressed to him. He considered that what was accused of him was a slander. The weakness of the legal framework and the non-specific handling of sexual violence in tertiary institutions by the Criminal Code has prevented this case from reaching a resolution. The latest development in this case is that the victim reportedly wanted to withdraw his report based on intimidation from several parties, which is proof that the victim's protection to have the courage to speak out about the tragedy that has befallen him is not strong enough.

In contrast to the cases handled since the task force for handling and sexual violence in tertiary institutions was formed as an implementation of the Minister of Education and Culture for Research and Technology Number 30 of 2021. The case of sexual harassment that happened to students of the Public Health Study Program, State University of Gorontalo while carrying out an internship program at a hospital. Aloe Saboe, was successfully handled and completed properly by the college task force concerned.

The use of *Visum et Repertum* as evidence is regulated in Article 133 paragraph (1) of the Criminal Code which reads:

*"In the event that an investigator for the sake of justice treats a victim, either injured, poisoned or dead, presumably due to an event constituting a crime, he is authorized to submit a request for expert information to a medical expert of the judiciary or a doctor and or other expert."*

Based on the indicators of the Criminal Code evidence above, it is likely that the perpetrator will not be snared by this punishment because in practice proof using the Criminal Code is difficult to fulfill because due to several factors in the form of the absence of witnesses other than witnesses where when the victim witness reports it will be threatened with a defamation report by the perpetrator. . This

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<sup>16</sup> Hasanuddin, "Lecturer of IAIN Gorontalo Allegedly Performed Sexual Harassment of Student," *gopos.id*, 2022, <https://gopos.id/oknum-dosen-iain-gorontalo-diGuess-doing-pelecehan-sexual-terhadap-mahastudent/>.

is of course problematic, because first, in essence the law is for humans, so that people expect benefits from implementing or enforcing the law. Don't let this happen, in the implementation or enforcement of this law there will be unrest in society.<sup>17</sup>Second, legal certainty is of no use if it turns out that the law is unfair and not beneficial to society.<sup>18</sup>

Victims of sexual violence tend not to report their cases to law enforcement officials on the grounds that the legal basis is not strong, the sanctions given to the perpetrators are not commensurate and there is no legal protection for victims. In addition, the feeling of fear and the difficulty of obtaining evidence has made survivors reluctant to face the legal process. Apart from the convoluted legal process and the lack of protection for victims, institutions should take action in this regard. However, in practice, educational institutions neglect the protection of victims, and even seem to want to cover up cases that come in because they are related to tarnishing the good name of the school or college.<sup>19</sup>

#### **4. Conclusion**

Legal protection for victims of sexual violence in tertiary institutions (campus) according to the Minister of Education and Culture Research and Technology Number 30 of 2021 in a progressive legal perspective is actually an advancement in law to provide comprehensive protection for victims of sexual harassment or violence on campus where in fact victims do not have the courage to report it. The existence of the Minister of Education and Culture Regulation number 30 of 2021 concerning the prevention and handling of sexual violence in tertiary institutions against the criminal law code in preventing and resolving cases of sexual violence on campus, namely in the Minister of Education and Culture Research and Technology the protection and rights of victims are made a top priority. The presence of the Minister of Education and Culture and Research and Technology is a forum for protecting victims and preventing the continuation of cases of violence experienced by victims. The Permendikbud uses the principles of best interests for victims, justice and gender equality, equal rights and accessibility for persons with disabilities, accountability, independence, prudence, consistency, and guarantees of non-recurrence. As a follow-up to this Ministerial Regulation, the establishment of a Task Force (Satgas) must be carried out by all tertiary institutions in Indonesia. Whereas legal protection based on the Criminal Code, the Indonesian criminal law system has actually regulated the protection of victims related to sexual violence, namely in the Criminal Code

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<sup>17</sup> Sutrisno, Puluhalawa Fenty, and Lusiana Margaereth Tijow, "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim Tindak Pidana Korupsi," *Gorontalo Law Review* 3, no. 2 (2020): 168–87.

<sup>18</sup> Fence M Wantu, *Hukum Acara Pidana Dalam Teori Dan Praktek* (Yogyakarta: Reviva Cendekia, 2011). Hal. 4

<sup>19</sup> NK Triwijati, "Pelecehan Seksual: Tinjauan Psikologis," *Jurnal Masyarakat, Kebudayaan, Dan Politik* 20, no. 4 (2007): 303–4.

Articles 284, Article 285 and Article 289 with criminal sanctions that have been regulated,

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