

# Creating Safe and Supportive Environments: A Policy for Addressing Sexual Violence in Islamic Religious Universities

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## ABSTRACT

The Ministry of Religion is committed to preventing and dealing with sexual violence by issuing a policy in the form of Director General's Decree Number 5494 of 2019 which applies to all Islamic Religious Universities. This research aims to determine the implementation of this decree and the factors that hinder it. The research method used is qualitative with an empirical juridical approach. Data collection methods use interviews and documentation. The informants for this research were 26 PTKIN/PTKIS randomly. The data analysis method uses descriptive analysis. This research found that the Director General's Decree Number 5494 of 2019 has not been implemented properly. The factors that influence this are 1) not all PTKI have regulations derived from the Director General's Decree Number 5494 of 2019; 2) the PTKI leadership's concern regarding the issue of sexual violence on campus is still weak; 3) there is still a legal culture in the campus community that prioritizes protecting the disgrace/dignity of higher education rather than the losses suffered by victims; 4) lack of human resources who understand gender mainstreaming and victim protection; and 5) lack of funding. Efforts that need to be made to create a campus free from sexual violence are 1) making clear regulations regarding the prevention and handling of sexual violence on campus; 2) strengthening the academic community's understanding of gender mainstreaming; and 3) forming an integrated service unit. Thus, the implementation of the decree has not been implemented well with various obstacles.

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## 1. INTRODUCTION

Attention to the role and position of women and men in national development is one way to help solve problems related to gender sensitivity and children (Widiani & Mahfiana, 2021), in addition to the problem of preserving local culture (Damopolii, Wantu, Wantu, Umar, & Obie, 2022) and improving the quality of research and scientific publications (Abidin, Sabirin, Hafizah, & Yuseran, 2023). To realize this, all Islamic Religious Universities are required to always take steps in the realm of the Tri Dharma

of Higher Education in various forms of analysis based on gender with gender mainstreaming as stated in Presidential Instruction Number 9 of 2000 concerning Gender Mainstreaming in National Development (Indonesia, 2000).

One of the gender issues that arises in higher education, both general and Islamic religious universities, is sexual violence. In general, sexual violence is an unwanted act that can be carried out by a person or group of people against people which can basically be seen from three dimensions, namely: *gender harassment*; *unwanted sexual attention*, and *sexual coercion* (Gelfand, Fitzgerald, & Drasgow, 1995; Rusyidi, Bintari, & Wibowo, 2019; Slaughter & Newman, 2022). carried out in workplaces or situations, professional, educational institutions or other places. The following is some data on sexual violence on campus, including first, the sexual disclosure of a UIN Jakarta student by a male friend who was a member of the KKN group on August 19 2020. Second, a case of sexual disclosure by 3 lecturers to 4 students between 2016-2018 was followed up by the campus with The formation of an investigation team, but the team was not pro-victim. Third, the case of sexual disclosure of UGM students by KKN friends took 18 months to seek justice, and fourth, the case of sexual disclosure committed by Unsri lecturers to female students.

In the Ministry of Environment, Education and Culture, the prevention and handling of cases of sexual violence is regulated in Permendikbudristek number 30 of 2021, dated 30 August 2021. The aim of issuing this Permendikbudristek is to make campuses safe from sexual violence. Meanwhile, in the Islamic Religious Universities environment, a Decree was issued by the Director General of Islamic Education, Ministry of Religion Number 5494 of 2019, concerning Guidelines for Preventing and Overcoming Sexual Violence in Islamic Religious Universities. There are 5 (five) aspects that are emphasized, namely 1) policies and service allocation in higher education; 2) services provided; 3) human resources, facilities and infrastructure; 4) reference coordination; and 5) community participation.

The level of compliance and legal compliance with the Decree of the Director General of Islamic Education Number 5494 of 2019, appears to have not been fully realized by the Center for Gender and Child Studies within Islamic Religious Universities. Of the 55 State Islamic Religious Universities up to the first quarter of 2022, only 50 percent have made policy derivatives from the Decree of the Director General of Islamic Education Number 5494 of 2019 in the form of a Chancellor's Decree. It is feared that compliance with the provisions that have been made in the procedures will tend to shift and give rise to desacralization which places more emphasis on defending the good name of the institution rather than protecting victims. In conditions like this, the realm of protecting victims of sexual violence within Islamic Religious Universities will also prioritize civil aspects, when regulations rub and clash with other sides/domains.

The aim of the research is to explain how to implement the Decree of the Director General of Islamic Education number 5494 of 2019 concerning the prevention and eradication of sexual violence in Islamic Religious Universities. Then to explore and explain the inhibiting and supporting factors and find a model of efforts that need to be made by Islamic Religious Universities in the future to create a campus that is gender responsive and free from sexual violence, especially through the role of the Center for Gender and Child Studies.

Several studies have been conducted previously, including research by Marfu'ah et al. (2021) regarding the system for preventing and handling sexual violence (PPKS); Jailani (2020) regarding a socio-legal review of policies for preventing and handling sexual violence; Simanjutak et al. (2022), Febrianti et al. (2022) regarding the implementation of the Minister of Education and Culture Regulation in efforts to prevent and handle sexual violence; Sumintak (2022) regarding the phenomenon of sexual violence from a power relations perspective; Fitri et al. (2022) regarding the implementation of PPKS policies; Alfi et al. (2022) regarding PPKS in terms of the Al-Qur'an and Hadith; Hamid (2022) regarding PPKS from a legal aspect; and Ramadiani et al. (2022) regarding student involvement in PPKS. In contrast to previous research, the research focuses on the

implementation of Director General's Decree Number 5494 of 2019 and the factors that hinder it in several Islamic religious universities, both PTKIN and PTKIS.

## 2. METHOD

This type of research is descriptive qualitative with an empirical juridical approach, namely legal research regarding the implementation of normative legal provisions in action. Data collection through interviews via questionnaires (Google Forms) and documentation. Interviews were conducted with 23 heads of Gender and Child Study Centers consisting of 20 people at State Islamic Religious Universities (PTKIN) and 3 people at Private Islamic Religious Universities (PTKIS). Meanwhile, the documentation collected is the Chancellor's Decree (SK), the Decree of the Director General of Islamic Education number 5494 of 2019 concerning the prevention and handling of sexual violence at Islamic Religious Universities, and other documentation. The data collection method goes through three stages, namely data reduction, data presentation, and drawing conclusions. Data reduction is data selection which includes data selection, data selection, data abstraction, and rough data transformation from field notes. In the data presentation stage, the researcher presents the complete conditions found in the field regarding the object of study. At the conclusion drawing stage, the data obtained is tested for its truth and validity.

## 3. FINDINGS AND DISCUSSION

### 3.1. *Legal Protection Policy for Victims of Sexual Violence in Islamic Religious Universities Environments*

Efforts to realize gender equality and justice and anti-violent crimes against women and children in any scope require the support of all the nation's potential. Providing support through education is a strategic step, considering that education is a process of preserving cultural values that are still relevant and developing new cultural values in accordance with the national development needs of the unitary state of the Republic of Indonesia, as well as transferring and developing knowledge.

The Islamic Religious Universities (PTKI), which functions as a centre for reference, information, study, advocacy, education and training that is equal and just, is the Center for Gender and Child Studies (PSGA). In other words, PSGA is at the forefront of Islamic Religious Universities to implement the national Gender Mainstreaming program. As a follow-up to all this, Decree of the Minister of Religion Number 571 of 2000 was issued concerning the Gender Mainstreaming Working Group at the Ministry of Religion with the aim of ensuring that the implementation of Gender Mainstreaming within the Ministry of Religion is planned, systematic, effective and accountable. The tasks of the gender mainstreaming working group are: 1) coordinating, integrating and synchronizing gender mainstreaming activities (PUG), 2) conducting gender sensitivity studies on activities and budgets, 3) preparing guidelines, modules, coordination materials, integrating and synchronizing gender mainstreaming, and 4) evaluate the implementation of gender mainstreaming and report on the implementation of gender mainstreaming in stages.

Apart from Permendikbudristek Number 30 of 2021 concerning Prevention and Handling of Sexual Violence in Higher Education Environments, PTKI has a Decree of the Director General of Islamic Education Number 5494 of 2019 concerning Guidelines for Preventing and Handling Sexual Violence in Islamic Religious Universities. In the guidelines for handling sexual violence at PTKI, Komnas Perempuan published Guidelines for Preventing & Handling Cases of Sexual Violence at Islamic Religious Universities (PTKI). This was further strengthened by the issuance of Regulation of the Minister of Religion of the Republic of Indonesia Number 73 of 2022 concerning the Prevention and Handling of Sexual Violence in Education Units at the Ministry of Religion (Musyafaah & Syafaq, 2022).

In terms of learning, PSGA actively socializes the importance of making RPS gender-based and compiling gender-based textbooks. In strengthening governance, PSGA formed the TPKS Task Force, PSGA activists and made the campus a gender-responsive campus. In strengthening community culture, PSGA is active in socializing TPKS to the academic community either through seminars or the

media. In the socialization, the meaning of TPKS, its forms and punishments are explained. PSGA has an important role in preventing and dealing with sexual violence at Islamic Religious Universities (Musyafaah & Syafaq, 2022).

### 3.2. Implementation of Decree of the Director General of Islamic Education Number 5494 of 2019 concerning Guidelines for Preventing and Overcoming Sexual Violence in Islamic Religious Universities

The mechanism for handling victims of sexual violence on campus as regulated in the Decree of the Director General of Islamic Education Number 5494 of 2019 concerning Guidelines for the Prevention and Handling of Sexual Violence at Islamic Religious Universities (PTKI), which can only be implemented through the role of PSGA, the results of the research findings are mapped as follows table 1:

Table 1. Handling of sexual violence carried out by PSGA

No.	Handling Components	Information
1	Victim Handling Institutions	PTKI is making efforts to establish institutions including 1) Mentoring and Counselor Institutions; 2) Student Crisis Center; 3) Integrated Service Unit (ULT); 4) Task Force for Handling Sexual Violence; and 5) Code of Ethics Council
2	Gender Focal Point with Chancellor's Decree	Issuance of the Chancellor's decision letter for the Focal Point Team
3	Direct Complaints	Complaints directly to the Integrated Services Unit
4	Indirect Complaints	Victims can also complain indirectly through PSGA intermediaries. Then the PSGA continued reporting to ULT.
5	Report format	Every complaint will be given a report form
6	Protection for Whistleblowers	For whistleblowers, PSGA will provide protection and assistance
7	Recovery Services	The recovery of the victim's condition has been regulated by ULT's Standard Operating Procedure (SOP) together with PSGA
8	Monitoring and Evaluation	Regulated in the ULT Standard Operating Procedure (SOP) with PSGA
9	Work Devices	Consultation room available
10	Victim Handling	Victims are a priority to be protected
11	Handling Perpetrators	Meanwhile, the perpetrator will be examined. If proven, punishment will be given according to the rules
12	Imposing Sanctions to Appeals (Mechanism)	Imposing sanctions on perpetrators as a deterrent effect includes giving out disrespectfully

Based on table 1, most Gender and Child Study Centers in Islamic Religious Universities have attempted to follow up on the Decree of the Director General of Higher Education. However, it has not been implemented in its entirety and does not seem the same or even optimal. In other words, each university moves independently in translating the contents of the provisions of the Decree of the Director General of Islamic Education Number 5494 of 2019 in its implementation.

In the structural aspect, the implementation of policies or guidelines for preventing and handling sexual violence at PTKI requires the emergence of various new structures within PTKI to answer how to implement the prevention of sexual violence and handle cases of sexual violence, receiving complaints, outreach, case verification, health restoration, social rehabilitation, handling perpetrators, up to social reintegration with the principles of siding with victims, participation, theology and human rights. In the Decree of the Director General of Education, PSGA was mandated to be the leading sector of the Sexual Violence Prevention and Control Unit at PTKI (Jailani, 2020).

The new units or structures in the implementation of PPKS include, first, the Integrated Service Unit for handling victims, which in the Pendis Decree is under the control of PSGA. These units,

depending on the service mechanism, require infrastructure and human resources; counselor, victim assistant, and legal advisor. The next structure is the Ethics Council which functions to verify and process cases until deciding whether the alleged act of sexual violence that occurred has been proven to violate ethics or not. Victims are carried out centrally by an internal campus institution, namely the Integrated Services Unit (ULT). This service system is centralized or with a referral mechanism which is very dependent on the availability of infrastructure, resources, availability of service space and the type of service, including follow-up services at each university. Periodization of services must also be explained in the Chancellor's regulations or standard operating procedures (SOP) that follow; starting from the length of the emergency service period, initial service, follow-up service to long-term service. All aspects of PPKS at PTKI require a standardized ongoing monitoring and evaluation mechanism. PPKS monitoring and evaluation was developed based on compliance analysis and fulfillment of minimum standards. Prevention evaluation is carried out in stages by the Indonesian Ministry of Religion, the rectorate, deans, unit heads and also by the ethics board which involves the participation of the academic community. Meanwhile, evaluation of handling is carried out in stages involving active participation from victims and/or witnesses of sexual violence at PTKI (Jailani, 2020).

Handling sexual violence in higher education is a very important matter to address for several reasons. First, sexual harassment has a serious impact on the victim, both physically, socially and psychologically. Second, many cases are not reported because they are considered a shame, or the victim is even under pressure from the perpetrator so they choose to remain silent. Third, sexual violence is considered normal so it is not a priority problem that must be resolved immediately. Some violence is not even considered sexual violence, such as catcalling, namely uttering words in a loud voice with sexual tendencies such as shouting, making comments to women passing by on the street, or whistling, poking and touching certain body parts. (Melati, 2019). These three arguments further strengthen the handling and prevention of sexual violence on campus (Marfu'ah et al., 2021).

### ***3.3. Inhibiting and Supporting Factors in Implementing Decree of the Director General of Islamic Education Number 5494 of 2019 concerning Prevention and Management of Sexual Violence in Islamic Religious Universities***

The factors that hinder the implementation of this decree are 1) the mindset of the campus community still considers the problem of sexual violence to be an individual matter and the victim is the one who is at fault; 2) higher education institutions still have weak control over campus situations, including the learning process, lack of communication between lecturers and students and campus environments, especially those that are quite remote or far from public traffic; 3) there are still internal pros and cons regarding the issue of sexual violence on each campus; 4) There are no technical instructions from the Ministry of Religion regarding this decree, so it is difficult to follow up. Then the policy regarding PPKS is still limited to circulars that are recommendations in nature, so there are doubts from internal campus parties; 5) not all campus communities have an understanding of gender perspectives in various aspects of campus life; 6) the issue of sexual violence is still often considered taboo, so there are still many who do not want to speak up regarding the issue of sexual violence; 7) sexual violence is often considered to damage the good name of the campus; 8) Human resources in the Integrated Services Unit are still very lacking, namely psychologists, counseling and legal assistance; 9) not all have an understanding of siding with victims; 10) there is still a lack of supporting facilities and infrastructure; 11) there is still a leadership attitude that is less open and less pro-vice; 12) lack of commitment and consistency from campus policy makers regarding the issue of sexual violence on campus; 13) victims are reluctant to report because their good name is involved; and 14) the lack of financial resources for PSGA to take part.

Meanwhile, the supporting factors are 1) the existence of a policy regarding the prevention and control of sexual violence issued by the Ministry of Religion; 2) a commitment from the Chancellor; 3) the existence of a Center for Gender and Child Studies; 4) the existence of a partnership working network between PTKI; and 5) the existence of a Gender Focal Point.

This is in line with research findings of Fitri et al (2022) that the supporting factors for implementing the PPKS policy are 1) the existence of the Director General of Education, Ministry of Religion Number 5494 of 2019 concerning Guidelines for the Prevention and Handling of Sexual Violence at Islamic Religious Universities (PTKI) and Minister of Education and Culture Regulation Number 30 of 2021 concerning Prevention and Handling of Sexual Violence (PPKS) in Teacher Education Tall; and 1) mutual agreement to ensure a sense of security and comfort in the learning process. Meanwhile, the inhibiting factors are 1) lack of understanding from university officials regarding PPKS and the socialization process is not comprehensive so that it can be understood by the entire academic community; 2) the availability of human resources, facilities and infrastructure and the lack of uniform perception regarding the importance of PPKS in the tertiary environment to support policies which are classified as low and need to be improved; and 3) lack of participation in the form of knowledge and supervision of the academic community in monitoring the PPKS policy.

Likewise Irwan's research (2022) that the factors that influence the prevention and handling of sexual violence in higher education environments are legal factors, as seen from the lack of knowledge regarding Permendikbudristek number 30 of 2021, 2) law enforcement factors as seen from the absence of a more specific special unit team (task force team). Accommodate acts of sexual violence in the tertiary environment; and 3) inadequate facilities and infrastructure, community factors that are not yet sensitive to criminal acts of sexual violence and cultural factors that cause a lack of courage in the community or victims to report sexual violence in the tertiary environment.

### **3.4. Efforts to Prevent and Overcome Sexual Violence by Islamic Religious Universities**

The efforts to prevent and deal with sexual violence by Islamic Religious Universities are 1) conducting outreach to the academic community; 2) create a code of ethics; 3) forming an integrated service unit involving various elements from both internal and external. Then it was strengthened by the Chancellor's Decree; 4) create ULT work guidelines; 5) prepare human resources who are concerned with the problem; 6) prioritizing commitment from leadership level to the technical team for gender mainstreaming (ULT Focal Point and HR); 7) gender responsive budgeting plans need to be made for certain programs in each faculty or unit; 8) providing facilities and infrastructure, infrastructure, friendly campus spaces with a gender perspective; and 9) collaboration between internal campus units and external institutions such as the police, local government, Women's Crisis Center and others.

The results of this study are in line with Irwan (2022) that preventing and handling sexual violence in the tertiary environment is by conducting learning, strengthening governance and strengthening the culture of the student community with educators and teaching staff. educators and teaching staff, namely by limiting meetings with individual students outside the campus area, outside campus operating hours; and/or for purposes other than the learning process, without the approval of the head/head of the study program or head of department and plays an active role in preventing sexual violence against students.

According to Musyafaah et al. (2022), efforts to prevent sexual violence include socializing sexual violence on campus, including through webinars, seminars, lectures and PBAK. Apart from that, PSGA formed the PPKS Task Force and made the campus a gender responsive campus. To deal with sexual violence on campus, PSGA collaborates with leaders at the rectorate and faculties. How to handle cases of sexual violence on campus depends on the case. If the case is mild and can be resolved amicably then it is resolved at the faculty level. However, if the case is serious then it is resolved at the university senate level.

Likewise, research of Marfu'ah (2021) showed that at the prevention level by 1) socializing the Decree of the Director General of Education Number 5494 concerning Guidelines for the Prevention and Handling of Sexual Violence in Islamic Religious Universities to all academic members; 2) reactivate the Gender Vocal Point (GVP) group at the lecturer and education staff level; 3) form a team of enumerators at student level; 4) carry out advocacy at the highest level of campus leadership; 5) conducting studies and mapping of the conditions and potential for sexual violence on campus; 6)

integrating the values of gender equality and justice and human rights into the curriculum; and 7) allocate a ten percent research quota at LP2M for gender-themed research.

#### 4. CONCLUSION

This research concludes that *first*, the majority of Islamic Religious Universities have not been able to fully implement the Director General's Decree. *Second*, the factors that cause sexual violence on campus are 1) *the existence of* campus communities that still consider it taboo to talk about sex and the issue of sexual violence; 2) leadership commitment is still weak; 3) still upholding religious institutions; 4) the victim does not dare to report; 5) lack of resources; 6) lack of supporting facilities and infrastructure; and 7) lack of enthusiasm for taking sides with victims from the campus community. *Third*, the model of effort that needs to be made to create a campus free from sexual violence is 1) strengthening the commitment of campus leaders and communities; 2) strengthening the Center for Gender and Child Studies; 3) Establish an Integrated Service Unit consisting of a prevention section, complaint receiving section, problem identification section, advocacy section; 4) gender responsive budget planning. It is necessary to carry out Gender Responsive Budgeting Planning (PPRG) training within Islamic Religious Universities.

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