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**Power Relations in Sexual Violence According to Ministry of
Education, Culture, Research, and Technology Regulation
Number 30 Of 2021**

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ABSTRACT

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The incidence of sexual violence is on the rise, impacting both adults and children, posing a significant societal threat. Rooted in power dynamics, this violence extends beyond educational campuses to various societal contexts. This study endeavors to investigate the influence of power dynamics on sexual violence. Utilizing normative legal research techniques and surveys, the study aims to yield insightful conclusions. It is evident that power dynamics often culminate in violent acts. Sexual violence within educational institutions has profound repercussions for both victims and the institutions themselves. Furthermore, power imbalances exacerbate the trauma experienced by victims. Implementing stringent regulations is essential for prosecuting perpetrators of sexual violence. Ultimately, this contributes to enhancing legal awareness regarding power dynamics in the context of sexual violence, fostering a safer environment for all individuals.

Keywords

Sexual Violence, Power Relations, Permendikbud Number 30

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INTRODUCTION

The incidence of sexual violence is increasing, affecting both adults and children, posing a significant societal threat. Cases reported through mass media, social media, and local communities reveal the involvement of two parties: perpetrators and victims (Pebriaisyah et al., 2022; Edrisy et al., 2023). While it's acknowledged that males can also fall victim to sexual violence, in Indonesia, most cases predominantly involve females.

Article 28G of the 1945 Constitution of the Republic of Indonesia guarantees the right to personal protection, including safety from threats or fear, and freedom from any form of degrading treatment or torture. Sexual violence constitutes a crime against morality, deviating from established norms

and rules. According to Ministry of Education, Culture, Research, and Technology Regulation No. 30 of 2021, sexual violence encompasses verbal, non-physical, physical, and technological actions that degrade, insult, or attack a person's body or reproductive functions due to power or gender imbalances, resulting in psychological or physical suffering and disrupting reproductive health and educational opportunities.

The regulation aims to safeguard victims within the scope of higher education institutions across Indonesia. However, it's incorrect to attribute sexual violence solely to primal urges or moral deficiency. Ministry Regulation No. 30 of 2021 on Prevention and Handling of Sexual Violence is designed to protect victims within the university context nationwide. It's intended to eradicate sexual violence within these institutions.

Based on reports from the National Commission on Violence Against Women, from 2015 to 2021, out of 67 reported cases of sexual violence in educational settings, 35 occurred within universities (Komnas Perempuan, 2022). Currently, all 125 State Universities (SU) in Indonesia, comprising 76 Academic and 49 Vocational SUs, have established Sexual Violence Prevention and Response Teams (SV-PRT) (Kemendikbud, 2023). The majority of these cases stem from power imbalances, where perpetrators feel entitled to their actions, facilitated by hierarchical relationships.

Although not explicitly defined in legislation, power relations, as outlined in Supreme Court Regulation No. 3 of 2017, denote hierarchical, unequal, or status-based dependencies that confer authority upon one party to the detriment of the other, particularly in gender relations, resulting in oppression.

Power dynamics underpin sexual violence, with numerous studies attributing its occurrence to power imbalances (Niko et al., 2020; Rahmaniah et al., 2023). Such violence can manifest in various relationships, including employer-employee, lender-debtor, or even between acquaintances. Having authority allows individuals to influence or control others' actions to suit their desires, potentially leading to sexual violence (Niko, 2021). Thus, a fresh perspective on sexual violence driven by power dynamics is crucial for addressing these issues effectively.

Sexual violence can occur anywhere, anytime, and can affect anyone, including acquaintances or close relatives. Incidents are not confined to university campuses but can occur outside these institutions as well. This is particularly distressing when perpetrated by educators who should uphold moral standards and foster respect within the academic community, highlighting the influence of power dynamics between faculty and students. Sexual violence is a pervasive issue influenced by power dynamics,

necessitating comprehensive measures to address and prevent such crimes effectively.

RESEARCH METHODE

The research employs a normative legal research method, also known as juridical-normative research, to yield useful outcomes regarding the discussed issue. This method involves gathering secondary data through document analysis and literature review, focusing on relevant legislation, legal journals, books, and prior legal research findings. The aim is to acquire theoretical insights related to the topic.

Data collection utilizes a questionnaire method, involving the distribution of a set of written statements or questions through a Google Form questionnaire to respondents. The questionnaire comprises a total of 8 questions concerning power relations in sexual violence.

A mixed-method approach is employed, combining both open-ended and closed-ended questions in the questionnaire. Open-ended questions allow respondents to provide detailed responses based on their circumstances and preferences, while closed-ended questions require respondents to select predefined options. By blending 2 closed-ended and 6 open-ended questions, the researcher aims to gather comprehensive responses from respondents, which will serve as considerations in the study.

The normative legal research method emphasizes analyzing legal documents and scholarly literature to understand the legal framework and theoretical perspectives related to the issue. Similarly, the questionnaire method facilitates gathering empirical data from respondents to gain insights into their perceptions and experiences regarding power relations in sexual violence. This comprehensive approach enables the researcher to explore various dimensions of the topic and provide valuable insights for addressing the issue effectively.

RESULT AND DISCUSSION

The Interpretation of Power Relations in Sexual Violence

According to the Kamus Besar Bahasa Indonesia or KBBI (2021), "relasi" signifies a relationship, connection, or association, while "kuasa" denotes the ability or capability to act. This concept may also refer to an individual's position or status relative to others, indicating a hierarchical structure where one party holds power over another due to social, cultural, educational, or economic disparities, particularly within gender relations, disadvantaging the lower-positioned party (Peraturan Mahkamah Agung Nomor 3 Tahun 2017). In cases of sexual violence, power relations emerge from the perpetrator's dominance

over the victim's vulnerability, where individuals in positions of power within a relationship can become perpetrators of sexual violence.

Defined in the Kamus Besar Bahasa Indonesia (2021), "kekerasan" pertains to forcefulness, coercion, or actions by an individual or group resulting in injury, death, physical harm, or damage to property, while "seksual" refers to matters related to sexual intercourse. Consequently, sexual violence encompasses actions that cause discomfort, offense, or non-consensual sexual interactions that are unwanted or inappropriate (KBBI, 2021).

Power relations in sexual violence can occur in any environment and affect anyone due to the power imbalance between the victim and the perpetrator. Instances of sexual violence stemming from power dynamics can occur between celebrities and fans, moneylenders and debtors, employers and employees, or lecturers and students (Maharani, 2021), as well as within personal relationships, marriages, dating, and various other contexts, both in domestic and public spaces. Sexual violence encompasses incidents within public relations, workplace relations, household dynamics, personal relationships, and other specific situations.

One primary reason for the predominance of female victims in cases of violence is societal and cultural factors. This results from societal attitudes that often undermine the equality between men and women in daily life. The power imbalance leading to the subordination of women stems from misconceptions about gender roles within society. Consequently, violence is frequently employed to enforce and maintain female subordination to males (Nurmaya, 2022).

According to Michel Foucault, power is manifested and reinforced through knowledge, with power always operating through knowledge. In modern times, power operates through normalization rather than solely physical force and oppression. In relations with women, men often commit sexual violence as an expression of their masculinity (Niko, 2022; Musyafaah & Syafaq, 2022). Women and children, as frequent targets of sexual violence, are perceived as weak victims. Masculinity often equates violence and power with the ability to control and dominate others (Niko & Rahmawan, 2020; Noer & Kartika, 2022).

Violence can take various forms beyond rape, including degradation, kicking, choking, hitting, threatening with weapons, humiliation, and other forms of violence. Ministry of Education, Culture, Research, and Technology Regulation No. 30 of 2021 defines sexual violence as physical, non-physical, verbal, or technological actions. The regulation identifies at least 21 forms of sexual violence. Violence can arise due to factors such as lack of knowledge about

healthy relationships, power imbalances, social constructs, and the flawed reasoning of perpetrators.

Foucault's theory emphasizes the power of knowledge, which leads to the creation of rules and norms. For instance, if a woman goes out at night, something bad might happen to her, reinforcing the perception of women as weak. Such rules restrict women's movements and control them, granting power to men who are perceived as strong. Thus, when men encounter women, they may easily resort to violence, justifying it by the supposed weakness of women.

The Impact of Power Relations on Sexual Violence in Educational Settings

Educational environments encompass all environmental factors that influence various aspects of education within the institution itself and its educational practices (Hadi, 1999). Power relations occurring within educational environments largely manifest as a form of victim vulnerability. For instance, when a female student depends on the guidance provided by her professor to complete her thesis, she may feel psychologically compelled to comply with the professor's wishes (Waruwu, 2019).

Regarding the issue of sexual violence in educational environments, particularly in higher education institutions, this study conducted a survey using questionnaires. Of the total respondents, 66.7% were female and 33.3% were male, with the majority being fourth-semester students (81%), followed by sixth-semester students (9.5%), and the remainder comprised students from other semesters. Among all respondents, 52.4% reported witnessing or being aware of instances of verbal or non-verbal harassment on campus. They perceived the level of sexual violence on campus as relatively common and not excessively prevalent.

Regarding the primary causes of sexual violence on campus, 52.4% of respondents cited power relations between perpetrators and victims, while 38.1% attributed it to moral degradation. Others attributed it to considering it as a normal occurrence or joke, social disparities, and lack of supervision on campus grounds. These findings indicate a significant decline in moral conduct or ethics among individuals or groups within educational environments. Consequently, 61.9% of respondents believed that perpetrators were most responsible for sexual violence on campus, while 28.6% blamed power relations between perpetrators and victims.

In essence, nobody desires to be a victim of sexual violence. However, if such an incident occurs, 61.9% of respondents indicated they would report the sexual violence they experienced. Meanwhile, 28.6% would resist the sexual violence, and the remainder would only confide in friends or loved ones. When witnessing a friend or loved one experiencing such distressing incidents, it is

imperative to provide assistance. Respondents proposed various forms of assistance, but generally, they suggested calming the victim first and then helping them report the incident to the authorities so that the perpetrator faces consequences. Furthermore, 61.9% believed that severe punishment or sanctions were warranted for perpetrators, 19% considered it appropriate, and the remaining 19% suggested either punishment or mediation.

Sexual violence in educational settings has profoundly negative effects on victims and the institutions where such violence occurs. Consequently, perpetrators of sexual violence in educational environments, whether in primary, secondary, or tertiary education, should be subjected to the harshest possible punishments in accordance with prevailing regulations. Such actions clearly violate societal norms, religious norms, and ethical principles. Some respondents hoped for punishments such as dismissal, removal from their positions, or expulsion from the institution where the perpetrator works. Others called for imprisonment, social sanctions, and punishments consistent with prevailing laws on Sexual Violence.

Punishments for sexual violence perpetrators are stipulated in Law No. 12 of 2022 concerning Sexual Violence Offenses. Perpetrators of non-physical sexual acts aimed at demeaning someone's dignity based on sexuality or morality are subject to imprisonment for up to 9 months and/or fines of up to Rp10,000,000. Meanwhile, perpetrators of physical sexual violence, categorized in various degrees, may face imprisonment ranging from 4 to 12 years. Fines for perpetrators range from Rp50,000,000 to Rp300,000,000.

Retraumatization: Power Relations Leading to Trauma for Victims

Sexual violence often leads to traumatic effects on both adults and children. Unfortunately, cases of sexual violence often go unreported, as victims may deny the occurrence due to fear of repercussions (Wirtz et al., 2018). It becomes even more challenging when sexual violence occurs against children, as most child victims are unaware that they have been subjected to such violence. Victims also tend to be afraid to report the incidents, fearing further consequences (Saragih, Yanur & Silalahi, 2023). They feel that they have become victims of sexual violence due to their own negligence, leading to reluctance to disclose the incidents to others and a concern about tarnishing their family's reputation (Ullman, 1996).

Victims of sexual violence often experience deep emotional disturbances, such as psychological trauma, depression, stress, and guilt. They may also struggle to interact with others, experience insomnia, nightmares, low self-esteem, unwanted pregnancies, suicidal thoughts, and physical complaints (Resick, 1993; Niko, 2021). Psychological disorders such as anxiety, post-

traumatic stress disorder (PTSD), physical injuries, as well as personality disorders and dissociative identity disorders, may also arise as consequences of sexual violence (Noviana, 2015).

PTSD often manifests in three types of symptoms (Roth et al., 2006). Firstly, victims often experience re-experiencing traumatic events, where they continuously recall the incident, even in nightmares that bring back feelings of sadness. Secondly, victims tend to avoid situations, places, thoughts, feelings, or words associated with their trauma, lose interest in many things, and feel alienated from society. Thirdly, victims may experience increased sensitivity, difficulty resting, difficulty controlling emotions, difficulty concentrating, uncontrollable suspicion, and exaggerated reactions to everything (Wardhani & Lestari, 2007).

A study conducted by Dervishi (2015) showed that all forms of sexual violence can have serious consequences for victims, particularly in terms of post-traumatic stress. Sexual violence, as one of the main forms of violence, has damaging effects and can result in irreversible consequences for children (Dervishi, 2015). This indicates that post-traumatic stress in victims of sexual violence is not only a psychological symptom but also involves psychological damage. Pharmacological therapy may be the best alternative for victims in the recovery and rehabilitation process of sexual violence cases (Fernando et al., 2023).

Based on Law Number 12 of 2022 concerning Sexual Violence Criminal Acts, the government organizes Integrated Services in Handling, Protecting, and Rehabilitating victims. This service at the center is supervised by the Minister and involves several ministries and relevant agencies. The service includes providing assistance to victims who require national, inter-provincial, and international coordination, as well as providing services for children requiring special protection.

At the regional level, the implementation of Integrated Services is carried out by units working in the field of women's empowerment and child protection. This demonstrates the government's efforts to provide protection and assistance to victims of sexual violence and to address the traumatic effects experienced by these victims. The traumatic effects experienced by victims of sexual violence indicate the need for comprehensive support and rehabilitation services, as highlighted by Law Number 12 of 2022.

CONCLUSION

Regulations should be seen as a step towards promoting and realizing healthy, safe, and comfortable relationships without sexual violence in any

environment. For example, in higher education settings, university rectors as the highest authority figures should establish strict regulations against perpetrators of sexual violence. Establishing such strict regulations is crucial in enforcing the law against sexual violence perpetrators. Minimizing occurrences of sexual violence, especially in educational environments, is essential. Preventive efforts are vital in preventing, reducing, or even avoiding further cases of sexual violence. The partial nature of existing laws that normatively regulate sexual violence should be replaced with more comprehensive regulations. Legislative officials should create more specific regulations aimed at eliminating sexual violence in Indonesia. This is a matter of national interest and should not be delayed. The prevalence of sexual violence cases necessitates action through policy or regulatory formulation of criminal sanctions. This can be aided by massive socialization efforts targeting the general public, workplaces, and especially educational environments. Ultimately, these efforts will raise legal awareness regarding power relations in sexual violence.

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