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### **(Reflection on Permendikbudristek No.30 of 2021 About Prevention and Treatment and Sexual Violence)**

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#### **Abstract**

Permendikbudristek no 30 of 2021 is the most important thing that must be responded positively by all universities, both public and private universities in Indonesia, from universities to theological colleges without exception. The public and private sectors have become a public debate that never ends. Slowly but surely, cases of sexual violence that occurred in several campuses were revealed one by one. for perpetrators and firm action from the security forces. Sexual prevention efforts that have been carried out so far have turned out to be less than optimal, it seems that they need firmness and complete and thorough resolution. The purpose of this study is to explain how to take concrete steps to prevent sexual violence. This research uses normative research methods using case studies. The legal source used is Permendikbudristek No. 30 of 2021. While the object of research is Efforts to prevent sexual harassment and violence on campus (Reflection on Permendikbudristek No. 30 of 2021 concerning Prevention and Handling of Sexual Violence And the results of the study found that Permendikbudristek No. 30 of 2021 as an appropriate, definite and progressive first step by many parties to the high level of sexual harassment and violence in universities and colleges to prevent sexual harassment and violence which is able to change the paradigm of harassment and violence. sex from private to public.

## **Keywords**

Prevention, Sexual, Violence, Higher Education

## **Introduction/ Preliminary**

Sexual harassment and violence are crimes that are very traumatic for victims and these crimes have occurred everywhere even in developed countries and especially in developing countries. The more popular terminology of sexual harassment and violence that occurs in universities is called sexual violence on campus. (Ariani Hasanah & Vinita Susanti, 2020) Cases of sexual violence in universities are increasingly emerging. Cases have been revealed one by one in several universities in Indonesia. According to a survey conducted by the Ministry of Education and Culture in 2020, 77% of Indonesian teachers said that sexual violence occurred in universities. However, 63% did not report the incident for fear of negative stigma. In addition, according to Komnas Perempuan data, a report published in October 2020 reported that there were 27% complaints of sexual violence in colleges and universities.

Creating safe and comfortable conditions on campus is not solely determined by the availability of physical facilities. However, there are also conditions where academics feel protected when carrying out teaching and learning activities and extracurricular activities. One aspect of that comfort is to ensure the safety of not experiencing sexual violence. From elementary to higher education (college, academy, official education), the environment of an educational institution has instructors, instructors, teaching staff, and seniors, and each individual who occupies a structural position within the institution has a stronger position than students. In some cases, this strong position instead of being translated into an effort to encourage individuals to become good role models in the institution and influence students or students to become good character, is actually used to force students or students to follow what the individual wants.

This is clearly illustrated by several studies. Among them are the results of research conducted (Ardi & Muis, 2014) at the State University of Surabaya in 2014. They found that 40 percent of 304 female students had experienced sexual violence during the lecture process at universities. The handling of cases of sexual violence in universities is quite complex, not only related to the rules of the mechanism for preventing and overcoming sexual violence, but also with the bureaucratic system and the quality of human resources. A conducive bureaucracy will support the creation of a university environment that is gender-friendly and non-sexual violence, on the other hand, a complicated bureaucracy will lead to the neglect of victims of sexual violence on behalf of the college or Christian religious high school and the entire academic community.

Several campuses responded well and formulated a number of regulations in order to prevent and handle cases of sexual violence. However, many campuses are silent, even suppressing the issue of sexual violence that occurs on the grounds

of the good name of the campus and the leadership elements because they are public figures.

In such a condition, government action and intervention is required. The issuance of the Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence is seen as a progressive step by a number of parties in the midst of anxiety over the high level of sexual violence in the scope of universities, both public and private universities.

In the regulation of the Minister of Education and Culture Number 30 of 2021, it is a guideline for universities to formulate policies and take measures to prevent and handle sexual violence related to the implementation of the Tridharma on or off campus, so as to foster a campus life that is humane, dignified, equal, inclusive, collaborative, and without violence among students, educators, education staff and campus residents in universities.

This regulation also provides legal certainty for higher education leaders to take firm steps in cracking down on cases of sexual violence on campus. The main objective of Permendikbud,

Research and Technology Number 30 of 2021 is so that there is a mechanism for the prevention and handling of sexual violence in universities.

Based on the problems described above, this study seeks to analyze the basic concepts of Permendikbud Number 30 of 2021, the urgency and concrete steps that are the main issues in the study of the Minister of Education and Culture that must be carried out by universities, both public and private in Indonesia.

## **RESEARCH METHODOLOGY**

This research is a type of normative research, carried out using data obtained through legislation (Mansari & Yuliati, 2021). Ministerial regulations, journals, books or online articles that still have the same relevance and topics related to this research, such as sexual harassment, sexual violence, harassment in higher education, The primary data source in this research is the Minister of Education, Culture, Research and Technology Regulation No. 30 of 2021, while the secondary data source the author takes several journals, books, and online articles related to the prevention and handling of sexual violence in Christian religious colleges and high schools. expected results (Mansari & Rizkal, 2021).

## **Result And Discussion**

Sexual harassment can be defined as behavior that demeans or offends someone based on that person's gender (Ramadyan, 2010). This behavior can then include sexual coercion and humiliation, sexually suggestive materials or materials, comments or jokes, or other behaviors that are perceived by a person because of their gender so that they are ridiculed or insulted (Reza, 2014).

Sexual harassment itself is actually not just sexual harassment. Various harassment behaviors that occur because the victim is of a certain gender are also a form of sexual harassment (Sulandjari, 2017). Some experts argue that social harassment occurs when the victim is humiliated, ridiculed, or humiliated as a person in the eyes of others.

Then illegal harassment is an act of harassment which can then affect a person's work, such as intervening in someone's work, or creating an intimidating, uncomfortable and offensive work atmosphere in the workplace (Mukhlisotin, 2017).

This broad understanding of sexual harassment has a consistent nature, where it is not limited to behavior that is only related to a sexual nature. This definition itself has been approved by various experts, such as knowledge seekers, jurors in court and various practitioners (Arif, 2017).

Sexual harassment can lead to many negative outcomes, such as depression, paranoid symptoms, decreased mental health, feelings of isolation and powerlessness, guilt and shame about oneself, and insomnia. In terms of education, many students experience adverse effects from the academic side as a result of sexual harassment such as reduced academic satisfaction, faculty perceptions resulting in reduced performance in learning (Suharyono & Digidowiseiso, 2021).

### **The basis or basis of the Ministerial Regulation on the Prevention and Handling of Sexual Violence.**

The basis or basis used is gender, gender, power relations, patriarchal culture, power relations, gender equality, and affirmative action. The theory used is mainly legal analysis theory with the perspective of gender justice, theories in the context of psychology, anthropology, and human rights studies that the author cites, ((Mirza, Nurtjahyo, Shanti, Wulandari & Noer, 2020) Gender is related to a person's condition when born, whether as male or female. Nature is given and attached to the body. The characteristics of the sexes are biological. A number of distinct roles, designations and rules are attached to girls and little boys who are not actually sexless by members certain cultural communities or communities. These roles, labels, rules are sociocultural constructions about how men and women should act and/or play roles, also about the ideal relationship between men and women. This set of roles, titles, and rules forms what is called gender. As a socio-cultural construct, gender can change depending on the development of the mass's society.

Gender is defined by a person or group of people. Not given or not given so that it can be exchanged. For example, in one society work is usually considered to be women's work, in another society the work is usually done by men and vice versa. Gender is a socio-cultural

construction of a society in the form of concepts, ideas, values, norms inherent in humans who are biologically different sexes (women and men). As

previously explained, this gender construction changes with time, place, class, social status and certain culture, because it is constructed by society according to the assumptions prevailing in society and is not necessarily fully confirmed, it can be a healthy and general action. reason you have. Gender itself is the behavior or division of roles between men and women that have been constructed or formed in certain societies and at certain times. Thus, because it is "a cultural formation", gender construction that tends to lead to different or discriminatory treatment can be changed through education and legal products. These patriarchal cultural values dominate and dominate society so that these privileges can be maintained. The patriarchal culture is very strong, it is very easy to discriminate against women, children, or those who have weak bargaining power because of their social status, economic status, and various other aspects.

Negative discrimination as referred to in the Convention on the Elimination of Discrimination Against Women (CEDAW) which has been ratified by Indonesia through Law No. 7 of 1984 and Law No. 39 of 1999, essentially refers to a series of actions that abolish, reduce, or abolish rights. individual or group rights on various grounds. The act of differentiating the treatment of others in the context of eliminating, reducing, eliminating the rights of a person or a collective, can occur because of patriarchal cultural issues. As a result, these conditions can lead to subordination, discrimination and even violence. The perpetrators are people who are stronger, and the victims are people who are weaker. Sexual violence is a form of discrimination. Differences in treatment based on unequal relationships can provide opportunities for vulnerable parties to sexual violence. Based on information from the National Commission for the Protection

of Women's Rights (Komnas Perempuan) 9 (nine) forms of sexual violence have been identified

that need to be understood and known by students or the public, including

- a. sexual harassment,
  1. sexual exploitation,
  2. forced contraception,
  3. forced abortion,
  4. rape,
  5. forced marriage,
  6. forced prostitution,
  7. sexual bond

The identification carried out by Komnas Perempuan explains that rape or sexual violence is not only related to issues of sex or desire, but there is an imbalance of power between the perpetrator and the victim. The most common forms of sexual violence on campus are rape, sexual harassment, sexual exploitation and sexual torture. Restoring the state of unequal power relations to reduce abuse of power from parties with strong bargaining positions to parties with weak bargaining positions (especially due to gender construction) requires a process that transforms these power relations into conditions of gender equality or

equality. occur. The process of gender equality in society requires a series of positive actions in the spirit of CEDAW. Affirmative action is an action that gives privileges to a weaker party to strengthen the ability of that party to have equal bargaining power and power.

Affirmative action is also referred to as positive discrimination. The goal is different from negative discrimination which actually eliminates or limits rights. In positive discrimination, although it is temporary, the aim is to strengthen capacity, so that people who were previously in a weak position are able to protect themselves and access justice. In accordance with the principle of giving privileges to minority groups and being discriminated against, in the context of Indonesia, affirmative action can be taken for women, children, and minority groups. This is because, in fact, these groups have received less protection through the existing system (Hendra, 2013). It is also important to understand that discrimination and unequal power relations can not only occur based on gender and gender differences. However, in society there can be inequality of power relations based on social, cultural, economic, political conditions, and also because of a person's physical and mental condition. It cannot be denied that negative discrimination can occur to people with mental and physical disabilities, because of their limitations (Rizkal & Mansari, 2019).

### **Regulation of the Minister of Education and Culture on Prevention and Handling of Sexual Violence in Higher Education**

Sexual violence can happen anywhere. Both in private and public spaces. Including can also occur in the college campus environment. Sexual violence that occurs on campus also takes various forms, including physical and non-physical behavior (including external and online sexual harassment). Thus, in order to create a comfortable and safe campus life for the Academic Community to carry out their activities, it is necessary to take action to create a safe space. Universities in Indonesia are not free from the threat of sexual violence. Although data/statistics regarding the number of cases of sexual violence in universities are not available, the news in the mass media shows that cases of sexual violence in universities in Indonesia are still popping up. Based on a survey of 76 university managers (public and private) in Indonesia, 75% of respondents stated that there were cases of sexual violence on campus. The survey results confirm observations and reports about cases of sexual violence in education, especially in universities in Indonesia. Cases of sexual violence are very difficult to identify or uncover. (Newburn, 2007) The reason for the high number of illegal cases of crime or misconduct is the absence of incident reports, which is mainly due to the reluctance of victims to report. One of the types of crime or behavioral deviation with the highest illegal rates is sexual violence. In cases of sexual violence, the reluctance of the victim to report or disclose the events that happened to him can be caused by various factors (Williams, 2000). The first reason is that victims of sexual violence feel ashamed

of the treatment that has befallen them. Another cause is the absence of reliable rules or mechanisms, so that victims do not know exactly what to do, where to report, and what procedures to follow. The next cause is the victim's distrust of the system (that the existing system will be able to solve the problem or provide adequate treatment)

(Bahri & Mansari, 2021). Victims of sexual violence who do not report their cases are victims

who do not realize that they are actually victims of sexual violence or that they think it is not a serious matter (trivial) so there is no need to make a fuss. Another important cause is the victim is afraid or worried about the risks or consequences of reporting or revealing the case and the victim is afraid that she will take other risks that can embarrass her family and will be traumatic for the rest of her life. The results of this study indicate that the profiles of perpetrators of sexual violence on college campuses are mostly lecturers, followed by students, then education staff. On the other hand, from the research, it is known that most of the victims are students, and there are a small number of lecturers and education staff. From the perpetrator-victim profile above, it is clear that there is an unequal position in the relationship between the perpetrator and the victim. From a criminological perspective, it is known that there are a number of factors that influence the occurrence of sexual violence, namely: the existence of power relations (perpetrators and victims) in society with patriarchal culture; the existence of opportunities (opportunity); and the absence of adequate rules, mechanisms, reactions or responses (weak social control). (White & Haines, 2001) However, it is recognized that in sexual violence there is an unbalanced relationship, namely the dominant position of the perpetrator and vice versa, the vulnerable position of the victim in a society with a patriarchal culture is a significant determining factor.

Thus, sexual violence in its various forms can no longer be viewed solely as a matter of sexual aggressiveness but is seen as an expression of a relationship of power or domination. (Mirza, Nurtjahyo, Shanti, Wulandari & Noer, 2020).

Another factor that influences the occurrence of sexual violence in universities is the existence of opportunities, especially those arising from the unequal position between the perpetrator and the victim. Perpetrators in their position or position, and with the power they have, have the opportunity or at the same time feel safe to commit sexual violence against the victim. Both between lecturers and students, students and students, seniors and juniors, superiors and subordinates. Thus, universities are good State or private universities make efforts to prevent sexual harassment and violence on campus, both against the relationships that have been built above.

Prevention of sexual violence in universities aims to prevent unwanted behavior (general prevention). Thus, universities need to make rules or policies on

permanent procedures for handling cases of sexual violence, which include handling procedures, victim recovery procedures, and sanctions for perpetrators. In addition, universities must provide organizations, units or institutions with trained or well-trained resources so that victims receive adequate

### **Efforts to Prevent and Handle Sexual Violence in Higher Education**

treatment and do not experience treatment that can further harm them, for example feeling untrusted or doubtful about their statements, feeling humiliated, feeling blamed, or asked to compromise in order to preserve the good name of the institution or perpetrator). Prevention of sexual violence can be carried out by institutions and individuals who are under the auspices of educational institutions.

A good understanding of sexual violence is the first step to build critical awareness of the academic community to identify forms of violence and prevent sexual violence and handle cases properly. (Rusyidi, Bintari & wibowo, 2016) In 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, it has been regulated in Chapter II, where the prevention is carried out in stages in each section. that is:

#### **1. PREVENTION BY HIGHER EDUCATIONS IN PART ONE OF THIS MINISTERIAL REGULATION**

Is contained in article 6, it is stated that there are 3 means of preventing sexual violence in Universities which include: a. Learning.

Strengthening Governance; and Strengthening the Community Culture of Students, Educators, and Education Personnel.

Prevention through learning carried out by Higher Education Leaders by requiring Students, Educators, and Education Personnel to study the Prevention and Handling of Sexual Violence

module set by the Ministry. So here the role of the ministry is to make derivative rules from this

Permendibudristek, namely the Prevention and Handling of Sexual Violence module which will be applied to all universities in Indonesia, so that they have a common understanding between universities in understanding the problems of sexual violence that exist in the campus environment. policies that support the Prevention and Handling of Sexual Violence in Higher Education are strengthening the management of handling if these cases occur in Higher Education, several steps in the field of governance are a. establish a Task Force.

develop guidelines for the Prevention and Handling of Sexual Violence.

limiting meetings between Students and Educators and/or Education



Personnel outside campus operational hours and/or outside the campus area.

1. provide sexual violence reporting services.
2. train students, educators, education staff, and campus residents regarding efforts to prevent and handle sexual violence.
3. conduct periodic socialization related to the guidelines for the Prevention and Handling of

Sexual Violence to Students, Educators, Education Personnel, and Campus Residents.

1. put up an information sign that contains:
2. Inclusion of sexual violence complaint services.
3. A warning that university campuses do not tolerate sexual violence.

Provide adequate supervision, moderation for persons through the Prevention and Management of Sexual Violence;

Cooperating with relevant agencies for the Prevention and Handling of Sexual Violence.

This form of prevention through strengthening the culture of the student community, 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 is carried out on campus activities, namely, the introduction of campus life for students, educators, and Education Personnel, student organizations, informal communication networks for Students, Educators and Education Personnel. From the forms of prevention that exist in Permendikbudristek number 30 of 2021, the author sees how this regulation invites the entire academic community involved in universities to share an integral understanding of preventing sexual violence in universities.

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

In the second part of this ministerial regulation contained in article 7, it regulates the model of preventing sexual violence in universities by educators and education personnel with the following steps:

- a Limiting individual meetings with students both outside the campus area, outside campus operational hours or for other purposes other than the learning process, without the approval of the head/head of the study program or the head of the department.
- b Take an active role in the Prevention of Sexual Violence.
- c If the educator in question is the head/head of the study program or the head of the department, approval must be given by the supervisor of the head/head of the study program, or the 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 of preventing sexual violence by students whose forms of prevention are also the same as those stipulated in Article 7 of this regulation.

### 4. Steps to Treat Sexual Violence in Universities

The steps for handling sexual violence that occur in Universities in this Ministerial

Regulation according to the author are also quite comprehensive as regulated in Chapter III Article 10 which states that Universities are obliged to handle sexual violence through: a. Accompaniment.

- a Protection.
- b Imposition of administrative sanctions; and

Recovery of victims Each of these treatments has also been clearly regulated in articles so that the handling of cases of sexual violence in universities can be implemented properly. While the future development model with the presence of Minister of Education, Culture, Research and Technology Regulation No. 30 of 2021 concerning Prevention and Handling of Sexual Violence Cases on Campus is as follows: (Mirza, Nurtjahyo, Shanti, Wulandari & Noer, 2020) To prevent the practice of sexual violence in higher education, it is necessary to take concrete steps that must be taken, namely:

**First**, there need to be important concepts: the form of sexual violence, the perpetrator, the victim, the reported person, the complainant, an integrated service unit, the authority holder, the nature of the sanctions that can be imposed either by the campus or if needed, legal sanctions with a regulated mechanism for transferring case files and responsibilities. handling cases carefully and taking into account the rights of the complainant without violating the rights of the reported party as regulated in the procedural law. Then it is also necessary to regulate the recovery action, time, locus, and why the victim's consent related to handling cases is the key or "specificity" of sexual violence cases because victims of sexual violence must be given reinforcement to be able to report their cases.

**Second**, there needs to be a clear and simplified reporting flow. Thus, the victim and the reporter are not afraid to report and do not have to repeat the story over and over again. In addition to the clarity of the flow, it is also important to have clarity on who is the authority holder at each stage and whose authority is to receive reports and handle them. Thus, it is necessary to have SOPs at the university level and umbrella regulations at the ministry level. Third, it is also necessary to have an Integrated Service Unit in providing prevention and handling services for sexual violence on campus. In addition, the Integrated Service Unit must be able to coordinate with the Disability Service Unit because members of the

academic community with disabilities tend to be more comfortable reporting to services that immediately understand and target the needs of groups or individuals with disabilities.

**Fourth**, clear and measurable sanctions in the form of complete guidelines for universities. This is necessary so that there is no overlapping of mechanisms and authorities.

**Fifth**, the presence of the Rector's Decree supporting the Ministerial Regulation. In addition, the Decree of the Dean of each faculty that explains the SOP for dealing with sexual violence also needs to be circulated.

**Sixth**, the inclusion of anti-sexual violence education in the curriculum and material for debriefing new students. Upgrading for education personnel and contract workers (outsourced individuals) who work on campus must also provide such education. The anti-sexual violence educational materials must also be delivered and made in a form and content that can be reached by members of the academic community with disabilities—especially students, lecturers, education staff, and deaf workers. Seventh, universities need to establish a mechanism that considers the needs of victims of sexual violence to be able to recover from various traumas (trauma-healing).

In this case, the university must ensure that the victim's right to study or work leave is not lost, and the victim gets special time and academic guidance to catch up with his academic lag. Last but not least, in preventing and handling cases of sexual violence on campus, there must be the involvement of student representatives in the making of the UPT, including in the preparation of the mechanism or SOP for Sexual

#### **The parties that need to be involved include**

1. Vice Chancellor and Deputy Dean for Academic and Student Affairs,
2. Student Executive Board (BEM),
3. Student Press Institute (LPM),
4. Feminist/gender/sexuality study groups by paying attention to the mastery of the perspective of gender equality and taking sides with the victim,
5. Lecturers with the same qualifications as in the study group,
6. Education personnel with the same qualifications as in the study group, and

Lecturers, education staff, and student representatives with disabilities. In essence, from models of prevention and handling of sexual violence in universities, according to the author, all academics must have a shared role and support each other in tackling the problem of sexual harassment, which is increasing day by day the number of cases in Indonesia, if all parties in the academic community have had one vision, then the learning process in higher education will feel comfortable for all parties without feeling afraid to come to campus so that the application of the Tridharma of Higher Education will also be achieved.

## **Conclusion**

The formulation of rules and mechanisms for preventing sexual violence in universities must place all actors in academia on an equal footing. This is important to form a strong anti-sexual violence policy and to accommodate systematic socio-cultural conditions. This is Permendikbudristek No. 30 Anthropological basis for promulgation. Permendikbudristek Number 30 of 2021 is here as the first step to answer the concerns of students, lecturers, university leaders, and the public about the rampant incidents of sexual violence on campus. We also support university leaders to take additional steps to prevent a repeat of the sexual violence that has plagued academia. In Permendikbudristek Number 30 of 2021, a prevention model that involves all elements of universities, as well as handling in the form of assistance, protection, administrative sanctions and victim recovery, is a step towards a solution to cases of sexual violence in Indonesia. university. Besides the academic world, the Church in this case believers, who also mingles in the academic world, should also contribute to efforts to prevent sexual harassment. Of course, this can be done through the provision of spiritual intakes through campus worship services, spiritual seminars that provide an understanding of the importance of maintaining the holiness of life which is the body of Christ. As I Corinthians 6:12-20 says that God does give freedom to humans because humans are unique creatures from other created beings. But that freedom doesn't mean getting permission to do whatever you want, including sexual harassment. People who use freedom in such a way have actually been enslaved by their own passions. This is certainly very contradictory because believers are essentially the body of Christ or the temple of God in which the Holy Spirit dwells. For this reason, a person's body and soul must not be polluted by uncleanness or any crime, either by thoughts or desires. Thus, when every individual in the academic community is aware of this, sexual harassment and other similar crimes will certainly be minimized by itself.

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