



## The Implementation of the Sexual Violence Crime Law in Educational Settings: A Victimological Perspective

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**Abstract:** This study examines the legal protection available to victims of sexual violence within educational institutions, viewed through a victimological perspective in the implementation of Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS). Sexual violence in educational environments remains a serious issue, with cases like “H.W” tragedy highlighting the inadequacy of institutions in providing safe spaces for students. Victims often suffer from psychological trauma, social stigma, and barriers to justice. This research employs a normative legal approach with qualitative methods to analyze the law’s application. Findings show that UU TPKS includes victimological principles, such as compensation, assistance, and rehabilitation for victims. However, its implementation faces structural and cultural challenges, such as power imbalances and victim-blaming. Effective protection requires institutional commitment, cultural transformation, and active engagement from the academic community to establish comprehensive and sustainable systems of support for victims.

**Keywords:** Sexual violence, legal protection, education, victimology, Law No. 12 of 2022

### INTRODUCTION

Law Number 12 of 2022 (UU TPKS) has regulated the rights of victims in a more comprehensive manner, including guarantees of access to medical services, psychosocial support, rehabilitation, and accompaniment mechanisms. However, the enforcement of these provisions in practice still faces implementation challenges. Sexual violence in educational settings has now become a serious issue that has gained public attention. Sexual violence in the educational sphere has become a critical issue that is widely scrutinized by society. This act is a form of crime that violates human

values and degrades the dignity of the victims. (Rasendriya, 2024) The case of “H.W” in Bandung, an educator who was proven to have raped 13 of his students, shook public opinion and became one of the driving factors behind the enactment of Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS). This case also highlighted that the educational environment has not yet fully guaranteed the safety of its students. (Time, 2022) This phenomenon reflects that educational institutions have not yet fully become safe spaces for students.

Negative stigma and the practice of victim-blaming continue to hinder reporting. This situation causes

many victims to hesitate to report for fear of facing social sanctions or being ostracized by their communities. Complaints in 2023 showed a decrease in reported cases compared to 2022. In 2022, there were 339,782 reported cases, while in 2023, the number decreased to 289,111 cases. Complaints to the National Commission on Women also saw a decline, from 3,442 cases to 3,303 cases.

The impact on victims is not only physical but also psychological and social. A study conducted among 280 respondents who experienced sexual violence revealed that 70.7%, or 198 respondents, experienced mild anxiety, 27.5%, or 77 respondents, experienced moderate anxiety, and the remaining 5 respondents experienced severe anxiety. (Pangabeian, 2025)

The psychological impact frequently experienced by victims is "PTSD" (Post-Traumatic Stress Disorder), including excessive anxiety and nightmares, which can often persist throughout their lifetime. (Putri, 2025) Victims also often face victim-blaming (being held responsible for the abuse they experienced) and stigma (self-stigma and public stigma), which causes them to hesitate in reporting. This situation is exacerbated by social and cultural pressures that demand victims to protect the reputation of their family or institution, leading many to remain silent despite experiencing profound suffering. A study noted that 83% of sexual violence victims experience PTSD, and 69% of them have had suicidal thoughts.

From a legal perspective, the Sexual Violence Crimes Law (UU TPKS) provides a more comprehensive protection framework

compared to the Penal Code (KUHP), encompassing victims' rights to recovery, compensation, the protection of identity, and access to support services. This provision is reinforced by Ministerial Regulation of the Ministerial Regulation No. 30 of 2021 and No. 55 of 2024 issued by the Ministry of Education, Culture, Research, and Technology, which require higher education institutions to establish Sexual Violence Prevention Task Forces and implement procedures focused on victim protection. However, its implementation on the ground still faces challenges, as evidenced by the uneven establishment of Task Forces across campuses and the suboptimal handling of cases.

The victimological approach, particularly Kurt Weis' theory of legitimate victimization, is relevant for understanding how stigma and power relations often lead to victims being considered undeserving of justice. Unfortunately, research specifically examining the implementation of the Sexual Violence Crimes Law in schools and universities through a victimological lens remains very limited. This study aims to fill this gap by exploring the experiences and obstacles faced by victims within the existing legal system

## **MAIN PROBLEM**

Based on the background, the research problem is formulated as follows: to examine the form of legal protection for victims of sexual violence in educational environments from a victimological perspective, within the framework of the implementation of Law No. 12 of 2022 (UU TPKS) on Sexual Violence Crimes.

## **METHOD OF RESEARCH**

This is a normative legal study with a qualitative approach that focuses on document study and literature analysis, without conducting direct field research. The aim of this study is to examine the legal protection of victims of sexual violence in educational environments from a victimological perspective, based on Law No. 12 of 2022 (UU TPKS) on Sexual Violence Crimes.

## **RESEARCH RESULT AND DISCUSSION**

### **1. The Meaning of Victimology in the Protection of Sexual Violence Victims in Educational Environments**

Victimology is understood as a branch of science that examines the position of victims within social and legal systems, including the dynamics of victim vulnerability, the traumatic experiences they endure, and the protection needs that focus on the interests and welfare of the victims. The victimological perspective positions victims not merely as passive sufferers but as subjects who possess fundamental rights that must be recognized and protected by both the legal and social systems.

This approach is relevant for understanding the context of sexual violence in educational settings, where the imbalanced power relations between the perpetrator and the victim create conditions conducive to systemic sexual violence. Therefore, a victimological approach to the protection of children and women in cases of sexual violence is crucial for understanding and addressing the

various negative impacts caused by such crimes. (Karina, 2024) Furthermore, sexual violence has existed throughout human civilization. What distinguishes it now is that, in the past, such acts were considered commonplace with various justifications, but with the advancement of society and knowledge, they have come to be recognized as deviant behavior and are now classified as criminal acts. In the context of gender-based violence, the power imbalance between women and men becomes a key contributing factor. Therefore, a deeper understanding of power relations and patriarchy is essential in efforts to address sexual violence. (Hartanto, 2022) Sexual violence in educational institutions often occurs covertly and is not easily detected by the public.

The subordinate position of the victim makes it difficult for them to refuse, report, or even recognize that they are in an unhealthy situation, both psychologically and legally. Closed spaces such as dormitories, pesantren (Islamic boarding schools), or private consultation rooms in schools and universities are vulnerable to sexual violence due to the lack of external supervision and social control mechanisms.

In addressing cases of sexual violence, the victimological perspective emphasizes the need to position the victim at the center of attention, by understanding the chronology of the violence, the resulting impacts, and the ideal forms of protection for them. However, the reality on the ground often contrasts with this ideal. Victims frequently experience unfair

treatment due to societal stereotypes. One of the biggest obstacles to reporting is the victim-blaming culture, where the victim is seen as having triggered the violence, such as due to their appearance, manner of speaking, or the relationship they have with the perpetrator. This view imposes significant psychological pressure on the victim, leading them to remain silent or even feel guilty for what happened to them. (Anindita, 2025)

In the educational environment, both formal and non-formal, a rigid social structure is created, often failing to provide a safe space for victims. In universities, students who are victims of sexual violence are often in a position of heavy dependence on professors or other educational staff. This dependence is not only academic, such as in assessments, recommendation letters, and thesis or dissertation supervision, but also involves the student's future career prospects. This imbalance leads to a power relationship that is very dominant, making it difficult for students to refuse or even disclose the sexual violence they experience.

Ministerial Regulation No. 30 of 2021 has, in principle, sought to address the need for victim protection in the educational environment by requiring the establishment of task forces for the prevention and handling of sexual violence in every higher education institution. However, in practice, this regulation still falls short of expectations. Many higher education institutions have yet to form such units, and even if they

exist, they have not been functioning optimally. Victims remain in vulnerable situations and often do not receive maximal protection, either legally or psychosocially. This demonstrates a gap between legal norms and the practical implementation on the ground, requiring a critical approach from a victimological perspective.

Meanwhile, at the school level, the issues faced are even more complex. The visibility of victims is very low because victims of sexual violence in schools, especially children and adolescents, have limited capacity to identify the forms of violence they experience. Institutional support is also minimal. Furthermore, the influence of patriarchal culture and conservative values exacerbates the victim's position. Priambada (2023) notes that in certain cultures, women are often seen as those who must uphold the family's and the institution's honor, so when they experience sexual violence, they tend to be forced to remain silent to protect the family's or school's reputation and are often afraid of the reactions from the community, and even threats from the perpetrator. (Priambada, 2025)

The psychosocial impact of sexual violence occurring in educational environments cannot be reduced merely to physical wounds or the loss of virginity. Victims experience prolonged trauma that affects their emotional, mental, and social well-being. Feelings of shame, fear, depression, anxiety disorders, and even suicidal thoughts are common psychological consequences experienced by victims.

Moreover, victims also suffer from a decline in self-esteem, a loss of trust in their surroundings, and social disconnection from their communities. A study by Savitri and Hapsari (2024) emphasizes that victim recovery requires a comprehensive approach, covering medical, psychological, social, and spiritual aspects. They recommend community-based trauma recovery programs designed to help victims rebuild their identity and integrity.

Victim recovery efforts are often hindered by the phenomenon of revictimization, which refers to situations where victims face discriminatory or inappropriate treatment when attempting to report or seek justice. This condition can arise from various sources, such as law enforcement officers who are insensitive to the victim's psychological state, social environments that doubt the victim's testimony, or educational institutions that prioritize the institution's image over the safety of their students. In this context, the involvement of forensic psychology plays a crucial role in identifying the impact of trauma, providing appropriate interventions, and ensuring adequate support for the victims.

The victimological framework offers a critical lens for evaluating how the legal system responds to the needs of victims. In conventional criminal law, the primary focus is on the perpetrator, concentrating on who committed the crime, what the threat is, and what the punishment should be. However, the victimological perspective shifts the focus to the victim, emphasizing how the

victim's traumatic experiences are legally recognized, how their rights are protected, and how the recovery process can be adequately facilitated.

Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) marks a significant milestone in the application of victimological principles, which include providing compensation, legal assistance, protection during the judicial process, and the mental and social recovery of victims. This substance aligns with the victimological perspective that stresses the importance of restorative justice for the harmed parties.

Nevertheless, its practical implementation still faces many obstacles. Priambada (2023) highlights structural issues such as the lack of coordination between law enforcement agencies, limited capacity of authorities in handling victims, and insufficient understanding of comprehensive protection. In several cases, victims are even forced to recount their traumatic experiences multiple times without adequate psychological support, or face threats and pressure from the perpetrator or their family, who may have greater social or economic power.

From a victimological perspective, justice is not only viewed from the aspect of punishing the perpetrator but also from how much substantive justice is provided to the victim. True legal protection is not only reflected in the content of regulations but also in the victim's direct experience within the legal system. Do they feel heard, respected, and protected during the

legal process? Are they able to recover and resume their lives normally? These questions become important indicators in assessing the effectiveness of legal protection from a victimological perspective.

The educational system, as part of the social structure, needs to transform into an environment that is safe, inclusive, and respects the rights of victims. Educational institutions should not be spaces that maintain a culture of silence, allow violence to be normalized, or show favoritism toward perpetrators. The victimological approach emphasizes the need for increased public awareness through education, specialized training for educators and law enforcement officers, as well as strengthening support networks for victims. With these measures, protection for victims of sexual violence in educational settings can be realized in a tangible and sustainable way, rather than merely becoming rhetoric.

## **2. Analysis of the Implementation of Law No. 12 of 2022 on Sexual Violence Victims in Educational Institutions**

Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) is an important legal breakthrough aimed at strengthening protection for victims, including those in educational settings. A report by the National Commission on Violence Against Women from 2015 to 2021 recorded that 35% of sexual violence cases in educational environments occurred in higher education institutions, making it the highest-ranking category for sexual violence cases in educational

settings. (Komnas Perempuan, 2024) Religious educational institutions based on dormitories or Islamic boarding schools rank second, accounting for 16% of sexual violence cases. The third highest, with 15% of cases, occurs in educational institutions at the high school or vocational school level.

This regulation includes various guarantees for victims' rights, such as the right to compensation, legal assistance, psychological recovery, and the establishment of special task forces in educational institutions for the prevention and handling of sexual violence (Satgas PPKS). Its implementation is supported by technical regulations in Ministerial Regulation No. 30 of 2021, which was later revised into Ministerial Regulation No. 55 of 2024, requiring every higher education institution to establish a Satgas PPKS and conduct comprehensive socialization to all members of the academic community.

In the Special Region of Yogyakarta, most state universities have complied with the requirement to establish a Satgas as per the regulations; however, many private universities have yet to meet this requirement. This gap can be attributed to limitations in resources, including funding, availability of trained personnel, and the level of collective awareness within the campus community about the urgency of consistently addressing sexual violence in a victim-centered manner. (Azizi, 2024) This condition indicates that the effectiveness of implementing regulations depends not only on the

existence of the regulation itself but also on the readiness of institutions and the commitment of all parties in the education sector.

For example, a study at Malikussaleh University recorded at least nine cases of sexual violence over a certain period. Some of these cases were handed over to law enforcement authorities, but many were resolved through private mediation as stipulated in Article 35 of the UU TPKS. While this procedure is considered to provide a quick response to reported cases, it raises concerns about transparency and substantive justice for the victim, particularly regarding meaningful participation by the victim and guarantees that their rights are not compromised. (Hafis, 2024)

A major obstacle frequently encountered in the implementation of the UU TPKS is the low level of understanding among campus officials and law enforcement officers regarding the technical procedures outlined in the law. Many field officers still lack a detailed grasp of the steps involved in victim assistance, the guarantee of confidentiality for reporters, and the procedures for providing compensation. As a result, the rights of victims, which are legally protected, are often not effectively realized. The lack of training, limited socialization activities, and the scarcity of training materials focusing on the victim's perspective are dominant factors hindering this implementation. This situation reflects that the legal culture in educational environments has not

yet fully adopted a progressive and responsive approach to sexual violence issues. (Hairi, 2023)

In addition, social stigma against sexual violence survivors remains strong in the academic world. Victims are often blamed or considered to have triggered the events that befell them. In certain situations, the power position held by the perpetrator causes the victim to feel pressured, fearful, and choose to remain silent. This phenomenon, known as victim-blaming, not only worsens the mental condition of the victim but also becomes a serious obstacle for them in seeking justice and receiving recovery support. The culture of silence that develops further sustains the power imbalance between the perpetrator and the victim, while eroding the function of higher education institutions as environments free from violence.

Although the UU TPKS has normatively designed a relatively comprehensive recovery mechanism, its implementation on the ground is still uneven. In several campuses, closed mediation is chosen as a quick resolution method. However, this mechanism often disregards the victim's right to clear information, ensuring that consent is given without pressure, and the opportunity to receive compensation or psychological recovery. Without adequate supervision, mediation can place the victim in a weak bargaining position and even be used merely

as a tool to maintain the institution's image. (Hajat, 2025)

At the same time, victims' access to rehabilitation services remains limited. Some victims are not registered in health insurance systems such as BPJS, preventing them from accessing psychological services without incurring costs. In fact, since 2024, Article 6 of the UU TPKS mandates state funding for support services for victims of sexual violence. This underscores the need for concrete steps from the government to ensure the availability of funds and recovery facilities, especially for victims from vulnerable and disadvantaged groups.

In response to these various challenges, a number of recommendations have been formulated by academics and gender advocacy organizations. First, there is a need to enhance the capacity of campus authorities and law enforcement officers through regular training that incorporates a victimology perspective, human rights, and a trauma-informed approach. Training modules should be developed in collaboration with experts in psychology, law, and women's rights activists to ensure sensitivity to the victims' conditions.

Furthermore, the wider community, including students and educators, needs to be empowered through more intensive socialization of the content of the Sexual Violence Crime Law (UU TPKS) and the importance of creating a stigma-free environment. Anti-stigma and gender equality campaigns can be promoted through cooperation between the

government, educational institutions, and civil society organizations (KemenPPPA). This socialization is crucial in creating an atmosphere that supports victims, encouraging them to speak out and not feel judged.

Strengthening the role of the UPT PPA (Integrated Service Unit for Women and Children) should be carried out by increasing the number of units, improving service quality, and ensuring adequate budget support. The services provided should not be limited to basic healthcare facilities but should also include psychological support, legal assistance, and long-term protection for victims. To this end, reliance on financing through BPJS (Health Insurance) should be minimized by providing more flexible state funding that can quickly respond to victims' needs.

Additionally, the mediation process and handling of sexual violence cases in educational institutions require a high level of transparency and accountability. One way to achieve this is by involving oversight from independent institutions such as the Ombudsman, the National Commission on Women (Komnas Perempuan), or the National Commission on Human Rights (Komnas HAM). The presence of external oversight will help ensure that mediation does not turn into a platform for compromises that harm victims, while also guaranteeing that all of the victims' rights are met fairly and with full respect for their dignity.

With these various challenges and dynamics, the implementation of the UU TPKS in the context of



educational institutions requires an approach that is not only normative but also transformative. This demands the involvement of all actors, from the state to society, in creating an educational ecosystem that is truly safe, just, and supportive of victims of sexual violence.

### **3. The Gap Between Normative Legal Protection and the Social Realities of Victims in Educational Environments**

The Law No. 12 of 2022 on Sexual Violence Crimes provides a solid legal foundation to ensure protection for victims. Explicitly, this regulation includes important rights that must be guaranteed, including legal assistance, compensation (restitution), and rehabilitation, protection of the victim's identity, and a mandate for educational institutions to establish a Task Force for the Prevention and Handling of Sexual Violence (Satgas PPKS).

However, when the implementation of these norms is confronted with the social realities on the ground, a significant gap becomes apparent between what is written in the regulations and what victims experience in the educational environment. This disparity poses one of the main challenges in achieving truly just protection for survivors of sexual violence. One of the major obstacles to the implementation of the Sexual Violence Crime Law (UU TPKS) is the low understanding among the public and law enforcement officers regarding the contents and spirit of this law. (Nihayah, 2024)

The majority of society still lacks a clear understanding of how the victim assistance mechanism should be implemented, who is responsible

for providing it, and how victims can receive restitution fairly. In practice, law enforcement officers often do not use the Sexual Violence Crime Law (UU TPKS) as the primary reference when handling sexual violence cases.

Instead of applying this regulation, some cases are directed towards the implementation of the Pornography Law or even the Electronic Information and Transactions Law (ITE), which do not prioritize victim protection. As a result, the fulfillment of the victims' rights often does not become the main focus and is neglected in the judicial process. In the educational environment, the issue becomes more complex when linked to the dynamics of power relations and deeply rooted patriarchal culture. Sexual violence cases on campus often involve perpetrators in authoritative positions, such as lecturers, senior staff, or institutional leaders. This situation creates fear in victims to report, due to the risk of intimidation, retaliation, or even neglect by the institution. Sexual violence occurs due to an imbalance in power relations and unequal gender perspectives between women and men. Both psychological and physical harassment are most commonly experienced by women. These factors, including the power imbalance, are the primary causes of sexual violence in society, and they highlight the need for social and cultural change to address this issue. (Hartanto, 2022)

Victim-blaming practices are still frequently encountered in the handling of sexual violence cases. Victims are often stigmatized as dressing inappropriately, behaving provocatively, or deliberately approaching the perpetrator, thereby shifting the burden of responsibility

onto them. This situation indirectly protects the perpetrator, weakens the effectiveness of the Sexual Violence Prevention and Handling Task Force (Satgas PPKS), and creates potential conflicts of interest in the handling process.

Furthermore, the application of victims' rights, as guaranteed by the Sexual Violence Crime Law (UU TPKS), such as the right to restitution and rehabilitation, has not been fully realized. Many victims do not pursue restitution because they do not understand the procedure, fear it will be misinterpreted as compensation to cover up violations, or lack sufficient support from law enforcement or campus authorities. In some cases, internal resolutions or mediation are carried out behind closed doors to expedite the process and avoid public scrutiny. However, this method risks undermining the fulfillment of victims' rights to justice and comprehensive recovery.

Another factor exacerbating the situation is the limited supporting facilities. Many universities still lack secure and victim-friendly examination rooms, have not provided psychological assistance during the legal process, and have not established integrated services to respond comprehensively to the victims' needs.

In some countries, such as Thailand and India, technology is used to identify the psychological patterns of victims after experiencing sexual violence. This technology not only helps in detecting psychological impacts more quickly but also enables more targeted interventions for victim

recovery. Studies have shown that artificial intelligence (AI) and machine learning (ML) have great potential in addressing the psychological impacts resulting from sexual violence. (Pongpipat, 2023)

The impact of the gap between legal norms and practice is not only administrative but also leaves deep psychological scars for the victims. Survivors often experience secondary victimization, which is additional suffering caused by negative responses from their surroundings, authorities, or the institutions where they report. Victims who speak out frequently face social pressure, anxiety, feelings of shame, and fear of retaliation, both from the perpetrator and the institution.

Many of them eventually choose to remain silent, avoid the legal process, and withdraw from the community to protect themselves from stigma and judgment. University students exhibit a concerning level of exposure to sexual violence, as a study in North Sulawesi found that 90.2% of respondents had experienced sexual violence during their time at university, with 75.9% experiencing it at a moderate frequency and 71.7% having received derogatory remarks related to their physical appearance. (Mantiri, 2025) This illustrates that verbal, non-physical, and physical violence is part of the experience of nearly all students and shows that educational institutions have not been able to ensure an environment free from harassment. The resulting social impacts include a decline in self-confidence, isolation, and anxiety, all of which are serious barriers to the mental and academic well-being of victims.

A more concerning situation is that many victims of sexual violence in the educational sphere do not receive the rights as stipulated by regulations, such as restitution, psychosocial recovery services, or guarantees of confidentiality. When these forms of protection are not met, it indicates a fundamental injustice, not merely a procedural shortcoming. From this perspective, the state and educational institutions, as the primary responsible parties, have not been able to fully implement the mandate of Law No. 12 of 2022 on Sexual Violence Crimes. This weakness reflects not only the lack of effectiveness in law enforcement but also exposes deeper structural issues namely, the unpreparedness of social systems and institutions to guarantee the fulfillment of the rights of vulnerable groups, particularly women and children, who are the most vulnerable to sexual violence.

This situation emphasizes that the problem of sexual violence cannot be addressed through legal approaches alone, but requires systemic and sustained intervention. Moreover, in this digital era, with the emergence of third-party platforms operating marketplaces, they also bear legal responsibility in regulating the marketing of risky products, such as sexual aids, which should not be sold to individuals underage. This responsibility is outlined in Law No. 1 of 2024 on Information and Electronic Transactions and Government Regulation No. 80 of 2019 on Electronic Trading, which requires marketplaces to ensure that products sold are not accessible to users who

do not meet the legal age requirement. (Raharningtyas, 2023)

Efforts that can be made include increasing public legal literacy so that both victims and their surrounding communities understand the rights and available protection mechanisms, reforming legal procedures to be more victim-centered and emphasizing the principle of non-discrimination, as well as transforming the campus culture that has long been laden with patriarchal values that tend to blame the victim. Additionally, it is important to strengthen institutions handling sexual violence, such as task forces or integrated service units, to ensure their independence, free from the intervention of interested parties, and truly focused on the recovery of victims. Without these concrete steps, the legal protection outlined in positive law norms will remain merely formal documents without practical use. Therefore, the gap between normative legal protection and the reality experienced by victims can only be bridged through a holistic approach that integrates legal, social, cultural, and institutional aspects in a comprehensive and structured manner.

### **CONCLUSION**

The study on the implementation of Law No. 12 of 2022 on Sexual Violence Crimes in the educational domain shows that, normatively, legal protection for victims has significantly advanced by incorporating victimological principles. This progress is reflected in the regulation of victims' rights to obtain restitution, legal assistance, rehabilitation, as well as guarantees of confidentiality and

safety during legal proceedings. Within the framework of victimology, the victim is viewed not merely as a party reporting an incident, but as an individual requiring comprehensive recovery from legal, psychological, and social aspects.

However, the implementation of this protection in educational institutions is still hindered by several factors, including a lack of understanding by authorities, weak institutional frameworks, the influence of patriarchal culture, and victim-blaming attitudes. These conditions create a gap between existing legal provisions and practices on the ground. To ensure effective legal protection, an integrated approach is required, including improving institutional capacity, shifting the legal culture towards one that is more responsive to victims, and actively involving academic communities in building an educational environment that is safe, just, and victim-oriented. Therefore, the success of legal protection is not only determined by regulations but also by the genuine commitment of all educational components to implement it consistently and sustainably.

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