

Victims of Criminal Acts of Physical and Non-Physical Sexual Violence at a University

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Abstract

Sexual violence in educational environments, especially universities, is a significant social issue that needs urgent attention. This study highlights the issue of sexual violence in university settings, focusing on understanding the role of victims in cases of sexual violence from a victimological perspective. The purpose of this research is to analyze the extent to which internal and external factors influence victims' decisions to report or not report incidents, as well as to explore victims' involvement in incidents of sexual violence. Using an empirical legal method with a case-based approach, this study combines surveys, interviews, and literature reviews to gather primary and secondary data. The novelty of this research lies in its in-depth analysis of the psychological and social dynamics affecting victims' involvement in sexual violence cases on campus. The findings indicate that in some cases, victims may indirectly contribute to the occurrence of sexual violence due to unawareness of their social surroundings, referred to as "imprudent victims" in victimology. This study recommends establishing a PPKS Task Force and introducing "Sahabat PPKS" in each faculty as strategic measures to create a safe and supportive campus environment for victims. The research aims to contribute to the development of comprehensive protection policies, including legal, psychological, and social support for victims within academic settings.

Keywords: *Sexual Violence, University, Victimology.*

1. INTRODUCTION

Violence, harassment, and sexual exploitation know no age or location boundaries. Sexual violence includes various actions, such as physical, verbal, psychological harassment, and others that are classified as non-physical sexual harassment. Sexual crimes occur not only in family, work, or places where individuals of opposite genders can communicate, but also in academic environments. Sexual violence is an act that degrades one's dignity, therefore eliminating all forms of sexual violence is an effort to protect the right to be free from degrading treatment. However, the reality is contradictory as according to the National Commission on Violence Against Women's (Komnas Perempuan) 2022 Year-End Notes, during the 10-year period of recording cases of violence against women (2012-2021), 2021 recorded the highest number of Gender-

Based Violence (GBV) cases, with a 50 % increase compared to 2020, totaling 338,49.¹ The data indicates that the prevalence of sexual violence requires inclusive attention. The presence of Minister of Education, Culture, Research, and Technology Regulation Number 30 of 2021 concerning Prevention and Handling of Sexual Violence in University and Law Number 12 of 2022 on Sexual Violence aims to reduce the number of sexual violence cases in society, especially in University.

Sexual harassment, both physical and non-physical, is strictly regulated in Articles 5 to 7 of the TPKS Law. It is considered an epidemic throughout the global University system and deeply affects individuals, groups, and entire organizations. Exposure to sexual violence in University has various consequences, including physical, psychological, and professional effects on individuals. Various negative emotions such as annoyance, anger, stress, discomfort, helplessness, and degradation are commonly reported in research literature.² In addition, various studies specifically indicate that sexual harassment in University environments can cause depression, anxiety, and post-traumatic stress disorder, increased alcohol consumption, career advancement barriers, decreased work motivation, and others have been linked to sexual harassment incidents. Even just observing or hearing about incidents of sexual harassment experienced by colleagues can cause 'observer stress' and trigger conflicts within the work team³

However, the causes of sexual harassment need to be examined from various perspectives, both from the perpetrator's and victim's point of view. It is possible that victims of sexual violence have a role in causing sexual violence. The reciprocal interaction between the perpetrator and the victim in cases of sexual harassment highlights a link between them. Victims who may exhibit mental vulnerability or lack awareness of their victimization often trigger the perpetrator to feel more dominant and perceive themselves as more powerful than the victim.⁴ Ending sexual harassment can alleviate the physical, psychological, and emotional suffering experienced by survivors of sexual violence, which can improve overall well-being, including in University.⁵ Based on this reasoning, The purpose of this article is to examine the role of victims in cases of sexual violence from the perspective of victimology as a step towards wider community participation, particularly in University, to be more open and attentive, and to take pre-emptive, preventive, and repressive measures against victims of sexual violence, with the aim of reducing the number of sexual violence cases in Indonesia. This is an empirical legal research conducted using a case approach through questionnaires, interviews, and literature review. The data collected during the research process, both primary and secondary, were analyzed qualitatively and presented descriptively. Providing a clear description of the victim's role in cases of sexual violence is a necessary step towards encouraging society and the state, especially universities, to be more open and attentive

1 Komnas Perempuan, "Peluncuran Catahu Komnas Perempuan 2022 (Peningkatan Jumlah Kasus KBG Di Tahun 2021 Menjadi Alarm Untuk RUU TPKS Segera Disahkan).," <https://komnasperempuan.go.id/Kabar-Perempuan-Detail/Peluncuran-catahu-Komnas-Perempuan-2022>, 2022.

2 Fredrik Bondestam and Maja Lundqvist, "Sexual Harassment in Higher Education – a Systematic Review," *European Journal of Higher Education* 10, no. 4 (October 1, 2020): 397–419, <https://doi.org/10.1080/21568235.2020.1729833>.

3 Fredrik Bondestam and Maja Lundqvist.

4 Indah Sri Utari, Ridwan Arifin, and Diandra Preludio Ramada, "Exploring Child Grooming Sexual Abuse through Differential Association Theory: A Criminological and Legal Examination with Constitutional Implications," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 7, no. 1 (2024): 69–78, <https://doi.org/10.24090/volksgeist.v7i1.9564>.

5 Maskun et al., "Empowering SDG 16: Electronics-Based Criminal Law Policy to Combat Sexual Violence in Indonesia," *Jurnal Hukum Novelty* 14, no. 2 (2023), <https://doi.org/10.26555/novelty.v14i2.a26968>.

in protecting and addressing the needs of sexual violence victims. This is expected to help reduce the increasing number of cases.

2. ANALYSIS AND DISCUSSION

Criminal offense refers to an act that can be sanctioned or penalized. Sexual violence includes unwanted behaviors with sexual connotations, known as sexual harassment, as well as various forms of forced sexual relations, known as rape.⁶ Sexual violence can be defined as an act that humiliates, insults, or degrades the body or dignity of a person, causing harm and carrying the threat of punishment or legal action. Sexual harassment is unwanted sexual behavior that results in physical, psychological, or sexual harm, which may be reasonably expected or perceived as offensive or insulting. When such behavior interferes with work, becomes a job requirement, or creates a work environment that is intimidating, hostile, or offensive.⁷ It is considered sexual harassment. The Centers for Disease Control and Prevention (CDC) defines sexual violence as any sexual act that is forced or performed by someone without clear and voluntary consent from the victim, or against an individual who is unable to give consent or refusal.⁸ Sexual acts that are forced or coerced can take many forms, including physical violence or non-physical means. It is important to note that the key aspect of this definition is the emphasis on consent. Any act categorized as sexual violence must occur without the victim's consent. Consent here is defined as clear and voluntary agreement, indicating that the victim must actively give consent without coercion or manipulation. This also applies to individuals who are incapable of giving consent or refusal. It is acknowledged that there are situations in which a person may not be able to give valid consent, such as when they are under the influence of alcohol or drugs, unconscious, or unable to fully understand the consequences of their actions due to mental, physical, or age-related reasons.

A criminal act is identified by the presence of a victim. A criminal act will not occur if it does not cause harm to a victim, even if the act and the perpetrator are the same. According to Article 1 number 3 of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Witness and Victim Protection, a victim is defined as 'a person who suffers physical, mental, and/or economic loss as a result of a criminal act'. From a theoretical perspective, crime victims are defined as individuals who suffer losses due to criminal acts and/or have a sense of justice that is directly affected by being targeted by crime, as explained by Marcus Priyo Gunarto.⁹

It cannot be denied that victims also play a role in the occurrence of criminal acts. However, no one in a conscious state desires to become a victim of a crime, especially in cases of sexual violence that have significant physical and psychological impacts on the victim. Sexual violence in educational institutions can be categorized as extra-familial abuse, where the perpetrator of sexual violence is not a family member or close associate of the victim, but rather an external party with a connection to the

6 D. Abdul bari Saifuddin, *Buku Panduan Praktis Pelayanan Kontrasepsi*. (Jakarta, 2020).

7 Erin E. Bonar et al., "Prevention of Sexual Violence among College Students: Current Challenges and Future Directions," *Journal of American College Health* 70, no. 2 (February 17, 2022): 575–88, <https://doi.org/10.1080/07448481.2020.1757681>.

8 Erin E. Bonar.

9 Mubarok A, Legal Protection for Victims of Sexual Violence in Indonesia in the Perspectives of Victimology and Fiqh Jinayah In V. Ariyanti, 2 *Journal el-aqwal* 124 (2023).

educational institution, such as a college or university.¹⁰ The role of the victim can be seen in the level of their culpability. This is conveyed by Mendelsohn who believes that the occurrence of a criminal act caused by the victim's role consists of those who are completely innocent, those who become victims because of their own fault, those who are equally at fault as the perpetrator, those who are more at fault than the perpetrator, and the victim who is the only one at fault (in which case the perpetrator is released). However, when evaluating the role of the victim, whether passive or active, conscious or unconscious, with attitudes or behaviors that may provoke the perpetrator's desire to commit a crime, it is necessary to consider what the victim did before and/or during the crime, the chronology, the victim's reaction or response at the time of the crime, and when and where the action took place.

David's formula for crime is as follows:¹¹

$$C = T + S$$

R

Description:

C = Criminalities/criminal acts,

T = Tendency/intention,

S = Situation/circumstances,

R = Resistance.

Tendency or motive is a factor that exists within or outside the perpetrator and is influenced by various factors such as the perpetrator's intention, background, socio-economic status, education, and culture. Situation or circumstance is a factor that exists outside the perpetrator and provides an opportunity for someone to commit a crime. The text discusses the circumstances surrounding the victim, such as the location and time of the crime, as well as the victim's condition and behavior before and during the crime. It also mentions resistance, which refers to the internal state of the perpetrator in response to suggestions or impulses. This can be influenced by several factors such as the environment, the physical and mental condition of the perpetrator, and their perspective on the values that exist in life. The formula for the crime is one effective technique for determining whether the victim has a role in the occurrence of the crime. The above formula explains and provides an understanding of the assessment of a crime outside of its elements. Crime occurs when the intention or tendency and the circumstances or conditions at the time of the crime support it, but the perpetrator lacks the ability to prevent or stop their actions. Sexual assault or violence can be caused not only by uncontrollable sexual urges that need to be satisfied by the perpetrator, but also by emotional factors within the perpetrator.¹² In addition, the term 'thrust' also includes the resistance or resilience shown by the victim before, during, or after the crime, which may not always be effective.

The research findings collected data from various institutions, including data from the Sexual Violence Prevention and Handling Task Force of Hasanuddin University and

¹⁰ D Herdiana, *Kekerasan Seksual Di Lembaga Pendidikan Dalam Perspektif Kebijakan Publik*, 5 Jurnal Equalita. Vol.5 no. 1. Juni 2023. (2023).

¹¹ G. Widiarnata, *Viktimologi Perspektif Korban Dalam Penanggulangan Kejahatan*. (Yogyakarta.: Cahaya Atma Pustaka.,2014).

¹² M. Aris Munandar et al., *Hukum Pidana Kekerasan Seksual*, ed. Muh Djaelani Prasetya (Yogyakarta: KBM Indonesia, 2022).

the Makassar City Police Resort, indicating cases of sexual violence throughout 2022. The data includes official crime statistics from these institutions, as well as additional information collected through an online questionnaire (G-form linked) and direct communication with victims or related parties. It has been found that there are cases of physical and non-physical sexual violence in the college environment. These cases involve both male and female students as victims or perpetrators, including situations where the perpetrator is a senior student or even a lecturer. It is important to note that victims of sexual violence are not only women, but also men. The collected data was then analyzed to provide a deeper understanding of this issue.

Table. 1 Police Sexual Violence Data for Makassar City in 2022.

Type of Sexual Violence	Victim		Total
	M	F	
Physical Sexual Violence	0	1	1
Non-sexual physical violence, rape, indecent acts, pornography, online prostitution, sexual intercourse with a minor, and child molestation.	0	3	3
Rape	0	10	10
Indecent Acts	0	22	22
Pornography	0	1	1
Online Prostitution	0	2	2
Sexual Intercourse with a minor	1	54	55
Child Molestation	9	34	43
TOTAL	10	127	137

(Source: Criminal Statistics Data, PPA Unit of Makassar City Police in 2022)

According to available data, there were 137 cases of sexual violence in Makassar City. Of these, 37 cases involved sexual violence against adult women, while 100 cases involved sexual violence against children, with 90 female child victims and 10 male child victims. It is important to note that this data only includes reported cases and may not reflect all actual cases, as not all reports have been thoroughly processed. According to data handled by Polresta Makassar, the majority of sexual violence cases in Makassar in 2022 involved children and women, indicating their high vulnerability to such crimes. Sexual violence against women and children involves a relationship between the perpetrator and the victim, where the perpetrator is generally a male who is physically stronger than women and children, thereby increasing the vulnerability of the victims in such situations.¹³ It is worth noting that some cases of sexual violence against adult women were a result of their own negligence, such as the recent case where the victim

13 Nurhayati Mardin, Andi Intan Purnamasari, Nurul Miqat, Adiguna Kharismawan, and Rafika Nur, "Comparative Law Study: Sentencing of Sexual Violence Perpetrators Who Have Deviant Sexual Behavior," *Jambura Law Review* 4, no. 2 (July 2022): 227-245, <http://ejurnal.ung.ac.id/index.php/jalrev/>.

met a stranger alone in a secluded place.¹⁴ After further analysis of the data obtained, it was found that in cases of sexual violence against adult women, some victims also have a passive role due to lack of anticipation and awareness of their surroundings, in addition to the active role played by the victim. In addition, child victims of sexual violence are also considered passive participants due to their vulnerable condition and lack of parental supervision in socializing and using mobile phones.

Table. 2 Data on Sexual Violence Victims in Hasanuddin University in 2022.

Type of Sexual Violence.	Victim		Total
	M	F	
Physic	0	2	2
Non Physic	0	1	1
Electronic Based.	0	1	1
TOTAL	0	4	4

(Source : Complain Data/Report from Satgas PPKS Unhas in 2022)

Based on the available data, it is known that there have been 4 reported cases of sexual violence within the Hasanuddin University community. All victims in these cases are female, according to reports received by the Sexual Violence Prevention and Handling Task Force (PPKS) of Unhas. This situation reinforces the fact that women are often the most vulnerable group to sexual violence. To gain a deeper understanding, the author conducted a direct interview with Rosniati a member of the Satgas team who has handled these cases. During the 2022 period, the Task Force only received and handled 3 reports of sexual violence. In these cases, both the victims and perpetrators were Unhas KKN students. There are situations where the victim has an active role in the incident, such as when they sleep together in the same room or even the same bedroom, which is occupied by both women and men. Additionally, it is known that the perpetrator has a tendency to touch others.¹⁵

The cases of physical sexual violence handled by Satgas PPKS Unhas in 2022 involved incidents during the KKN Unhas wave 108 in Takalar Regency. In this case, the perpetrator FD (21 years old) was involved with R (21 years old) and Z (21 years old) who were victims and friends from the KKN dormitory. This data shows that sexual violence often occurs, even in community and educational environments, including in University. Several factors contribute to and originate from the victim regarding the occurrence of sexual violence crimes. Firstly, the victim's personality tends to be soft and less assertive. There are three factors that contribute to the occurrence of abuse. Thirdly, a close relationship between the perpetrator and the victim, which gives the perpetrator the opportunity to commit the abuse. In addition, some victims are reluctant to report the abuse they have experienced due to their vulnerable psychological condition, often experiencing discriminatory treatment, verbal abuse, or even bullying. Firstly, power imbalance, where the perpetrator has more power than the victim, making it difficult for the victim to resist. Secondly, faith, where the victim has weak faith and trusts others too

¹⁴ Rahmatia, "Wawancara, Polrestabes Makassar" (Makassar, February 7, 2023).

¹⁵ Rosniati, "Wawancara. Satgas PPKS Unhas, Makassar." (Makassar, February 1, 2023).

much, resulting in failure to maintain a safe distance. External factors greatly influence the occurrence of sexual violence in college environments, both from perpetrators and the surrounding community.¹⁶

Table. 3 Data on Sexual Violence from Filling Out Questionnaires (Hidden Crime) at Hasanuddin University in 2022.

Type of Sexual Violence	Victim		Total
	M	F	
Physic	1	2	3
Non Physic	1	2	3
Elektronic	1	0	1
TOTAL	3	4	7

(Source: Data outside the Report (Hidden Crime) via the G-form Link Questionnaire in 2022)

Based on the information obtained, it has been revealed that there are cases of unreported sexual violence in the environment of Hasanuddin University, as recorded in the questionnaire filled out by the victims. The data shows that there were 7 victims of sexual violence in 2022, consisting of 4 women and 3 men. The findings indicate that although women are more likely to be victims of sexual violence, the number of male and female victims at Hasanuddin University is almost equal, suggesting that men are also a vulnerable group. Historically, few women who have experienced sexual assault have sought help from the criminal justice system. This was reported by D.E.H. Russell in 1984, the Solicitor General of Canada in 1985, and Steketee & Austin in 1989.¹⁷ Further investigation through direct interviews with victims revealed the reasons why they did not report the incidents to the authorities.

The initial interview results obtained through an online questionnaire shed light on the reasons why victims of sexual violence do not report their experiences. Some of these reasons include: firstly, the victim's lack of knowledge about who to contact or where to report, coupled with the perception that such incidents are often considered normal in their environment, even though the victim themselves feel that the action is unacceptable. Secondly, some victims dismissed the incident as a trivial matter. Thirdly, there were victims who felt scared and confused about what steps to take. Fourthly, there was fear and reluctance to report the perpetrator, especially if they were a lecturer or someone in a position of power on campus.¹⁸ Based on the given statements, it appears that the majority of victims feel afraid and hesitant to report their negative experiences. The main reasons include: There are several factors that contribute to the underreporting of sexual violence in academic settings. Secondly, perpetrators who hold

¹⁶ M. H Kayus Kayowuan Lewoleba, "STUDI FAKTOR-FAKTOR TERJADINYATINDAKKEKERASAN SEKSUAL PADAANAK-ANAK.," Jurnal ESENSI HUKUM 2, no. 1 (June 2020): 38.

¹⁷ Janice Du Mont, Karen-Lee Miller, and Terri L. Myhr, "The Role of 'Real Rape' and 'Real Victim' Stereotypes in the Police Reporting Practices of Sexually Assaulted Women," *Violence Against Women* 9, no. 4 (April 30, 2003): 466–86, <https://doi.org/10.1177/1077801202250960>.

¹⁸ Anonim, "Wawancara, Mahasiswa Universitas Hasanuddin," (Makassar, February 16, 2023).

high positions within the academic institution or the victim's social circle. Thirdly, a lack of knowledge and understanding among victims and the surrounding community about the procedures for reporting sexual violence. Additionally, the lack of safe spaces to share experiences and seek protection is also a hindrance. Firstly, fear of retaliation or pressure from the perpetrator or the surrounding community. This is reflected by the fact that out of 7 respondents who filled out the questionnaire, only 1 agreed to be interviewed further by the author, while the other 6 declined.

Before discussing the role of the victim, it is important to understand that in this series of events, there were three incidents of sexual violence involving the same victim and perpetrator, but at different times. Firstly, there was a non-physical incident of sexual violence in 2021. Then, in March 2022, there was physical sexual violence, where the victim was embraced by the perpetrator. The third incident occurred in May 2022 and involved non-physical sexual violence, where the victim was bullied in the midst of a crowd. Further analysis will focus on two incidents that occurred in 2022, involving two different but related chronologies. Further analysis will focus on two incidents that occurred in 2022, involving two different but related chronologies. The research findings revealed three victims of physical and non-physical sexual violence committed by two perpetrators within the scope of Hasanuddin University. Before analyzing the role of the victim in a criminal act in a case based on data and author interviews with the victim, it is necessary to present the chronology of the criminal act, which is then analyzed with regard to the victim's role.

The first victim's chronology involves physical sexual violence against a student with the initials R in June 2022. During the incident, the female victim R was undergoing a Real Work Lecture placement at Post 1 with the male perpetrator FD. The post occupied by the perpetrator and the victim had limited space, so the resting area had no partition. The behavior exhibited by FD made R feel uncomfortable, prompting her to keep her distance. However, the perpetrator continued to make movements that made R worried, prompting R to issue a warning. The victim's role in sexual violence crimes based on the above chronology, if analyzed based on David Abrahamsom's crime formula.¹⁹ Firstly, The perpetrator's intention or tendency prior to the incident was evident. However, the perpetrator ignored the victim's request and remained in their position. This is demonstrated by the fact that the victim had asked the perpetrator to move away from them before the criminal act occurred. Secondly, the situation and circumstances at the time of the incident made sexual violence highly possible due to the cramped conditions that resulted in no separation between female and male individuals sleeping outside the dormitory room, as the female dormitory was already full. Additionally, the victim's response to the perpetrator was not firm enough in addressing the situation. Thirdly, although the resistance or internal state of the perpetrator may be difficult to control their intention, it is also possible that the perpetrator suffers from a rare disorder or illness and their mental health condition.

Rosniati stated that the perpetrator has a strange habit of touching people around him, including the victim, especially when they are sleeping.²⁰ This is taken into

19 G. Widiarnata, *Viktimologi Perspektif Korban Dalam Penanggulangan Kejahatan*. (2014).

20 Rosniati, "Wawancara. Satgas PPKS Unhas, Makassar."

consideration in the victim's role description in the above chronology regarding the perpetrator's resistance or difficulty in controlling his actions while sleeping near the victim without any barrier or divider. In this case analysis, the victim's role is considered active based on Mendelsohn's theory, which classifies the victim as having little fault due to their ignorance.²¹ Firstly, the victim did not give a warning or firm reprimand to the perpetrator before the incident, and did not resist when the perpetrator carried out the act. The victim and perpetrator slept close together without any barrier, and the victim did not consider the risks or worst-case scenarios that could occur, indicating a lack of awareness and negligence on the part of the victim. Additionally, the victim did not think to create a barrier between themselves and the perpetrator, such as using a pillow or backpack as a partition, which could have prevented physical contact and reduced the perpetrator's opportunity to commit sexual violence. This indicates a lack of sensitivity on the part of the victim in dealing with situations that could lead to sexual violence.

The second victim's chronology, experienced by victim Z with perpetrator FD in July 2022, occurred while they were both in dorm room 3 with other students without a partition, and they slept together in the dark. Z felt a touch on their foot in the middle of the night, which woke them up and made them feel scared and uncomfortable. Z tried to avoid the perpetrator by hugging her female friend who was next to her, but the perpetrator touched and hugged her leg again. Z felt increasingly scared and did not resist, then tried to move her leg away from the perpetrator. Z felt increasingly scared and did not resist, then tried to move her leg away from the perpetrator. The next morning, Z realized that the perpetrator had sexually harassed her by touching and stimulating her leg. Z felt increasingly scared and did not resist, then tried to move her leg away from the perpetrator. The perpetrator later apologized through a private message on WhatsApp, claiming to have only touched Z's foot, but Z is convinced that what the perpetrator did was more than just touching their foot before Z fell asleep.²² According to the analysis of the victim's role in cases of sexual violence based on David Abrahamsom's theory of crim²³, several key aspects are evident. Firstly, there are indications that the perpetrator had malicious intent prior to the incident. This is evidenced by the victim and perpetrator's sleeping positions being very close, with the victim wearing culottes located right under the perpetrator's legs despite the empty space around them. Additionally, even though the victim tried to move her legs away, the perpetrator still tried to touch and even hug the victim. Second, the situation and conditions during the incident made sexual violence highly possible as they slept in the same room without any dividers, in the dark, and the victim did not ask the perpetrator to keep a distance before sleeping. Additionally, the perpetrator appears to have difficulty controlling their intentions and is suspected to have a mental health disorder or condition that affects their behavior.

Rosniati stated that the perpetrator has a strange tendency to touch people around them, including the victim, especially while sleeping.²⁴ This condition is important in understanding the victim's role in this case. According to Mendelsohn's theory,

21 Widiarnata, *Viktimologi Perspektif Korban Dalam Penanggulangan Kejahatan*. .

22 Rahmatia, "Wawancara, Polrestabes Makassar."

23 Widiarnata, *Viktimologi Perspektif Korban Dalam Penanggulangan Kejahatan*. .

24 Rosniati, "Wawancara. Satgas PPKS Unhas, Makassar."

victims share the same responsibility as perpetrators.²⁵ Firstly, victims did not warn or reprimand the perpetrator to maintain distance and prevent a situation where there is no partition between men and women in a dark room. This is due to several factors. The victim slept near the perpetrator without any physical barrier and wore loose pants, disregarding the risk or potential for sexual violence. Additionally, the victim did not use a blanket or any other physical barrier to protect themselves, providing an opportunity for the perpetrator to touch them. Despite the victim's attempts to distance themselves and confront the perpetrator, their role was still considered passive. Meanwhile, the university, including the Student Executive Board and the Village Head, has an active role in providing cramped sleeping quarters for male and female students in the same room. This situation forces victims to distance themselves and confront the perpetrator, yet unwanted physical contact still occurs.

The third victim's chronology, during an interview about his experience with sexual violence, TW, a 20-year-old student, described a traumatic incident that occurred during a dance practice on campus. TW was subjected to inappropriate sexual comments about his body, particularly his breasts, by a senior in front of his male friends. This incident left TW feeling extremely disturbed and traumatized. Initially, TW blamed themselves for their attire, but over time, they became increasingly angry and uncomfortable with the perpetrator's unapologetic behavior. The situation worsened when TW sought clarification from the perpetrator, who only made things worse by belittling and embracing them, leaving TW feeling shocked and helpless. TW's trauma has deepened, causing them to avoid social interaction and share their experience on Instagram through the Close Friend feature to urge responsibility. The most common response to sexual harassment seems to be avoiding the perpetrator and attempting to calm them without direct confrontation. This is consistent with research findings.²⁶ regarding a large number of women who have been harassed also seeking social support from friends or family members. However, the response received from the surrounding environment tends to blame and corner the victim, thus increasing the trauma experienced.

This situation places the victim in an uncomfortable and even fearful state when on campus. Evidence shows that such harassment can have serious psychological and practical consequences for female students.²⁷ Finally, TW recounted their experience to the campus anti-sexual violence committee without knowing who else to talk.²⁸ Another area that holds theoretical and practical significance in the study of the effects of sexual harassment is how women cope with and respond to harassment. Organizations that do not tolerate sexual harassment may have a climate in which victims feel they can directly tell the harasser to stop; if that is not effective, they can report the behavior to management without risk. However, research generally shows that the more direct and assertive the strategy, the less likely women are to use it.²⁹ Reflecting on the incident,

25 Widiarnata, *Viktimologi Perspektif Korban Dalam Penanggulangan Kejahatan*. .

26 Kimberly T. Schneider, Suzanne Swan, and Louise F. Fitzgerald, "Job-Related and Psychological Effects of Sexual Harassment in the Workplace: Empirical Evidence from Two Organizations.," *Journal of Applied Psychology* 82, no. 3 (1997): 401–15, <https://doi.org/10.1037/0021-9010.82.3.401>.

27 Louise F. Fitzgerald, Suzanne Swan, and Karla Fischer, "Why Didn't She Just Report Him? The Psychological and Legal Implications of Women's Responses to Sexual Harassment," *Journal of Social Issues* 51, no. 1 (April 14, 1995): 117–38, <https://doi.org/10.1111/j.1540-4560.1995.tb01312.x>.

28 Anonim, "Wawancara, Mahasiswa Universitas Hasanuddin, ."

29 Fitzgerald, Swan, and Fischer, "Why Didn't She Just Report Him? The Psychological and Legal Implications of Women's Responses to Sexual Harassment."

one of the consequences is the underreporting of sexual violence by women. The victim's role in the case is an active one in the occurrence of sexual violence. According to Mendelsohn's theory, the victim's error rate even exceeds that of the perpetrator; the victim is considered a 'careless victim' whose actions encourage the perpetrator to commit the crime.³⁰ The reasons for this include: firstly, victims actively communicate and share their experiences on social media. Secondly, the victim was wearing revealing clothing, including at the time of the incident, although they could have chosen more modest attire. Thirdly, the victim accepted the perpetrator's invitation to meet in a secluded place late at night, despite being aware of the perpetrator's nature. Additionally, the victim did not directly refuse or express discomfort towards the perpetrator during the crime, only voicing objections several days later through social media. The active role of the victim is also reinforced by the general perception that such jokes are common and not regulated by any rules.

After analyzing the role of each victim in the chronology of the case based on Mendelsohn's theory, several similarities were found among the victims. All the victims in this case are women, which is in line with the common knowledge that sexual harassment tends to affect women more often, especially those who are young, working, students, or part of minority groups.³¹ This phenomenon often occurs at a higher rate than in men and has serious negative impacts on the overall functioning, physical and mental health, as well as work or academic performance of the victims.³² the description implies that the prevalence of sexual harassment can have a cumulative effect in eroding women's commitment to careers in male-dominated fields. Consistent with this, several studies have shown a high incidence of sexual harassment in University and research institutions.³³ This situation is often influenced by uncertain work conditions and hierarchical structures between staff and students. Additionally, there is a culture that normalizes gender-based violence and covers up incidents of sexual harassment.³⁴ The high levels of violence against women, children, and persons with disabilities are influenced by various factors, including cultural constructions and misguided religious beliefs.³⁵ Moral offenses often impact the integrity, cohesion, trust, relationships, reputation, and moral foundation of a community and society.³⁶ This perspective extends not only to the perpetrator but also to the victim. Consequently, feelings of shame and

30 Widiarnata, *Viktimologi Perspektif Korban Dalam Penanggulangan Kejahatan*.

31 Christina Athanasiades et al., "University Students' Experiences of Sexual Harassment: The Role of Gender and Psychological Resilience," *Frontiers in Psychology* 14 (July 13, 2023), <https://doi.org/10.3389/fpsyg.2023.1202241>.

32 V.M Hoel H., "Bullying and Sexual Harassment at the Workplace, in Public Spaces, and in Political Life in the EU. European Parliament's Committee on Women's Rights and Gender Equality.," 38. Retrieved from [https://Www.Europarl.Europa.Eu/RegData/Etudes/STUD/2018/604949/IPOL_STU\(2018\)604949_EN.Pdf](https://Www.Europarl.Europa.Eu/RegData/Etudes/STUD/2018/604949/IPOL_STU(2018)604949_EN.Pdf), 2018.

33 Donna J. Benson and Gregg E. Thomson, "Sexual Harassment on a University Campus: The Confluence of Authority Relations, Sexual Interest and Gender Stratification," *Social Problems* 29, no. 3 (February 1982): 236–51, <https://doi.org/10.2307/800157>.

34 W.S Johnson P.A., Johnson P. A., W. S. (2018). *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine.*, Retrieved from <https://nap.nationalacademies.org/catalog/24994/sexual-harassment-of-women-climate-culture-and-consequences-in-academic> (2018).

35 Endrianto Bayu Setiawan, Tia Rizki Febrianti, Lintang Charahena Mustofa, and Luvieandra Pratama. "The Indonesian Criminal Law System's Progression in Sexual Assaults Regulation." *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 5, no. 2 (2022): 161-176. Faculty of Sharia, Universitas Islam Negeri Profesor Kiai Haji Saifuddin Zuhri Purwokerto, Indonesia. <https://doi.org/10.24090/volksgeist.v5i2.6690>.

36 Hafrida, Haryadi, Tri Imam Munandar, Dessy Rakhmawati, and Noor Aida binti Ab. Kadir, "Students' Perception of the Criminalization of Cohabitation (Kumpul Kebo) in Indonesia: From Quantitative to Normative Analysis," *Jambe Law Journal* 7, no. 1 (2024): 127–147, ISSN 2598-795X (online), 2598-7925 (print), <https://doi.org/10.22437/jlj.7.1.127-147>.

the perception that cases of violence, including sexual violence, are a family disgrace prevent victims and their families from reporting.³⁷ The social definition of good and bad, along with society's response to an individual's actions, has a significant impact. Social reactions not only influence an individual's subsequent behavior and self-perception but also add pressure on victims of sexual violence, who become further burdened by society's judgment of them and the events they have endured.³⁸ Moreover, in the initial stages of law enforcement, the police tend to discriminate against the rights of victims, which affects the low level of public trust in the police institution, ultimately leading many victims to be reluctant to report to the police.³⁹ That becomes one of the reasons why criminal responsibility focuses on the perpetrator, the victim, and the community, with the aim of creating order and welfare, while there is a small group that is directly affected by the criminal responsibility of the perpetrator.⁴⁰

This also confirms the theory of victimization based on psychological, social, and biological factors, as stated by von Hentig:⁴¹ Firstly, females, especially young ones, are often victims of sexual violence due to their perceived physical weakness. Secondly, all the scenarios mentioned above, including The Wanton, who is careless in facing and responding to something, making them an easy target. Victims of indecency, now also known as victims of sexual violence, experience profound trauma and suffering, both physically and psychologically, setting them apart from victims of conventional crimes.⁴² Legal conflicts and low compliance with the law are major issues, further exacerbated by the attitude of victims who choose to remain silent without reporting to the authorities, resulting in their right to legal protection not being fulfilled as guaranteed by the Constitution of the Republic of Indonesia.⁴³ Therefore, comprehensive protection is needed to understand and alleviate the suffering they endure. Cases like the one mentioned demonstrate the need for maximum efforts by various stakeholders, including the Unhas PPKS Task Force within the university environment. The first step that must be taken is the implementation of preemptive measures, such as the establishment of regulations and the PPKS Task Force team. The formation of the PPKS task force should be directly established by the Ministry overseeing the field of education. If the task force is directly formed by the Ministry, the implementation of PPKS by the task

37 Mia Amalia, Nahknur Wudhi Ainnaiha, Arti Aneja, and Ibrahim Sule, "Legal Functionalization of Integrated Service Institutions Empowering Women and Children (P2TP2A) in the Prevention, Handling, and Assistance of Victims of Violence Against Women and Children in the Cianjur Regency," *Jurnal IUS Kajian Hukum dan Keadilan* 10, no. 2 (August 2022): E-ISSN 2477-815X, P-ISSN 2303-3827, accessed [date you accessed it], <http://jurnalius.ac.id/ojs/index.php/jurnalIUS>.

38 Nefa Claudia Meliala, "Rechterlijk Pardon (Pemaafan Hakim): Suatu Upaya Menuju Sistem Peradilan Pidana dengan Paradigma Keadilan Restoratif," *Jurnal IUS Kajian Hukum dan Keadilan* 8, no. 3 (December 2020): 402-417, E-ISSN 2477-815X, P-ISSN 2303-3827, Nationally Accredited Journal, Decree No. 30/E/KPT/2018, accessed November 9, 2024, <http://jurnalius.ac.id/ojs/index.php/jurnalIUS>, doi: <http://dx.doi.org/10.29303/ius.v8i3.820>.

39 Sunardi Purwanda, Handar Subhandi Bakhtiar, Nurul Miqat, Rafika Nur, and Manga Patila. "Formal Procedure Versus Victim's Interest: Antinomy of Handling Sexual Violence Cases in East Luwu." *Jurnal Hukum Volkgeist* 6, no. 2 (2022): 116-122. <https://doi.org/10.35326/volkgeist.v6i2.2041>.

40 Fitriani, Rini Siski, Liza Agnesta Krisna, Muhammad Natsir and Zulfiani Zulfiani. "Legal Protection for Wife and Child as Consequence of Head of Family's Criminal Imprisonment Enforcement." *Volkgeist: Jurnal Ilmu Hukum dan Konstitusi* (2023).

41 Widiarnata, Viktimologi Perspektif Korban Dalam Penanggulangan Kejahatan.

42 Nur Afdhaliyah, Ismansyah, and Fadhillah Sabri, "Kepastian Hukum dalam Memberikan Perlindungan Hukum terhadap Anak sebagai Korban Tindak Pidana Pencabulan," *Jurnal IUS* 6, no. 3 (December 2018): 482-497, <http://dx.doi.org/10.29303/ius.v6i3.578>.

43 Moh. Rusdiyanto U. Puluulawa and Riski Husain, "Body Shaming through Social Media as a Digital Crime in the Era of Disruption," *Jambura Law Review* 3, no. 1 (January 2021): 112-123, <http://ejurnal.ung.ac.id/index.php/jalrev/>.

force will be more effective and independent as it can directly involve various relevant institutions. In addition, the formation of Sahabat Satgas by the PPKS Task Force team is necessary so that they can represent the PPKS Task Force team to the victims. The second effort is a preventive effort in the form of socialization and education regarding applicable regulations.

3. CONCLUSION

Sexual violence is an act that degrades, humiliates, or violates a person's dignity and often occurs with the involvement of the victim, evaluated through factors of tendency, situation, and resistance. Some victims play an active role with a higher level of fault than the perpetrator, especially in cases of non-physical violence triggered by the victim's unawareness of their surrounding social conditions, as seen in the case of sexual violence experienced by KKN students in Takalar. Factors that cause victims to hesitate in reporting include fear of intimidation, social judgment, and other external factors, all of which present significant challenges in efforts to protect victims. Addressing sexual violence requires a preemptive, preventive, and repressive approach through the establishment of the Satgas PPKS, working in collaboration with related parties such as the Police and Legal Aid Institutions to create an environment that supports the holistic recovery of victims, encompassing legal, emotional, and psychological aspects.

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