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Addressing Campus Sexual Violence: A Collaborative Governance Approach to Legal Policy

Article	Abstract
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INTRODUCTION

The global prevalence of campus sexual violence, involving students, faculty, and staff as both perpetrators and victims, undermine the humane values of academia and erodes public confidence in

educational institutions.¹ The urgency of addressing this heinous issue necessitates comprehensive and detailed to devise effective solutions.

The current regulation—Number 30 of 2021 issued by the Minister of Education, Culture, Research and Technology, pertaining to the Prevention of Sexual Violence in Higher Education Settings—has not been fully effective due to its lack of specific provisions for collaborative governance.

Survey data collected by the Ministry of Education and Culture of the Republic of Indonesia from 79 campuses across 29 cities revealed that 77% of faculty members acknowledged the occurrence of sexual violence on their respective campuses.² Additional survey conducted by various institutions, including *Tirto*, *Vice*, and The Jakarta Post, indicated that 179 academic community members from these campuses had experienced sexual violence. Moreover, a 2021 report from the National Commission for Women of the Republic of Indonesia showed a disturbing increase in cases of cyber gender-based violence, with the number of instances rising from 241 in 2019 to 940 in 2021.³

Research data collected by multiple international institutions, such as the *Australian Human Rights Commission (2017)*,⁴ *National Union of Students (2011)*,⁵ and *Statistics Canada (2020)*,⁶ suggest that an estimated 20-25% of female students fall victim to sexual violence during their academic tenure, with 8.4% being subjected to rape.⁷

The issue of on-campus sexual violence raises significant concerns, not only among the general public but also among prospective students planning to pursue higher education both domestically and internationally.⁸ Indonesia, a country that sends a substantial number of students overseas for academic pursuits, is no exception. These students choose overseas education for a variety of reasons, including exposure to new perspectives, opportunities to establish international networks, and the reputation of foreign universities. According to 2022 data from *The United Nations Educational, Scientific and Cultural Organization*, popular destinations for Indonesian students include Australia (12,852 students), Malaysia (9,902 students), the United States (8,039 students),

¹ Carrie A. Moylan and McKenzie Javorka, "Widening the Lens: An Ecological Review of Campus Sexual Assault," *Trauma, Violence, & Abuse* 21, No. 1 (January 2020): 179–92, <https://doi.org/10.1177/1524838018756121>.

² Muhammad Tri Ajie and Romanti, "Mendikbudristek: Ada Darurat Kekerasan Seksual di Lingkungan Perguruan Tinggi!," *Inspektorat Jenderal Kemendikbudristek*, November 13, 2021, <https://itjen.kemdikbud.go.id/web/mendikbudristek-ada-darurat-kekerasan-seksual-di-lingkungan-perguruan-tinggi/>.

³ Wan Ulfa Nur Zahra and Aulia Adam, "Testimoni Kekerasan Seksual: 174 Penyintas, 79 Kampus, 29 Kota," *tirto.id*, April 23, 2019, <https://tirto.id/testimoni-kekerasan-seksual-174-penyintas-79-kampus-29-kota-dmTW>.

⁴ "Change The Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities (2017)," *Australian Human Rights Commission*, August 1, 2017, <https://humanrights.gov.au/our-work/sex-discrimination/publications/change-course-national-report-sexual-assault-and-sexual>.

⁵ National Union of Students. (2011). *Hidden marks: A study of women students' experiences of harassment, stalking, violence and sexual assault*. <https://www.nusconnect.org.uk/resources/hidden-marks-a-study-of-women-studentsexperiences-of-harassment-stalking-violence-and-sexual-assault>

⁶ Marta Burczycka, "Students' Experiences of Unwanted Sexualized Behaviours and Sexual Assault at Postsecondary Schools in the Canadian Provinces, 2019," *Statistics Canada*, No. 85 (2019), <https://www150.statcan.gc.ca/n1/pub/85-002-x/2020001/article/00005-eng.htm>.

⁷ Charlene L. Muehlenhard et al., "The Complexities of Sexual Consent Among College Students: A Conceptual and Empirical Review," *The Journal of Sex Research* 53, No. 4–5 (May 3, 2016): 457–87, <https://doi.org/10.1080/00224499.2016.1146651>.

⁸ Ihssane Fethi et al., "Campus Sexual Violence: A Comparison of International and Domestic Students," *Journal of International Students* 13, No. 1 (April 16, 2022): 1–21, <https://doi.org/10.32674/jis.v13i1.3685>.

Japan (4,722 students), the United Kingdom (3,420 students), Germany (2,832 students), Saudi Arabia (1,934 students) and Turkey (1,664 students).⁹

Victims of campus sexual violence are predominantly women, with the perpetrators usually being individuals familiar to them, such as boyfriends, seniors organization members, lecturers, and administrative staff.¹⁰ This data suggest that university environment are far from being safe and comfortable for students, highlighting the urgent need for higher education institutions to adopt serious measures in preventing and addressing sexual violence.¹¹

The eradication of sexual violence on campus is a collective endeavor, requiring the concerted efforts of all campus stakeholders—faculty members, students, educational staff, and both intra- and extra-campus organizations.¹² The objective is to ensure that campus management is held accountable for policy decisions and is open to feedback and criticism from the community.¹³ This will enable the campus to operate under a systematically planned, organized, effectively executed, and supervised managerial framework.¹⁴

The concept of collaborative governance is key in this context. This model of governance is an arrangement where one or more public institutions proactively involve non-government stakeholders in a formal, consensus-driven, deliberative decision-making process. The ultimate goal of this collaboration is the formulation and implementation of public policies.¹⁵

Key stakeholders in collaborative governance should include university leadership, faculty, educational staff, students, student organizations, governmental and non-governmental organizations, media outlets, community organizations, and community leaders.

The prevention of sexual violence on campus is a tangible and systematic effort to uphold the state's obligation to protect the community from the threat of violence and discrimination, which often stem from unequal social structures and biases against victims. This effort aligns with the provisions of the Indonesian 1945 Constitution, specifically Article 28C paragraph (1) and Article 31 paragraphs (1) to (3).

The implementation of a collaborative governance model to prevent sexual violence on campus is a concerted efforts to involve the community in policy-making.¹⁶ This approach also

⁹ Sarnita Sadya, "Negara Tujuan Pilihan Pelajar Indonesia," *DataIndonesia.id*, November 17, 2022, <https://dataindonesia.id/pendidikan/detail/melihat-negara-tujuan-studi-pelajar-indonesia-di-luar-negeri>.

¹⁰ 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>.

¹¹ Louise F. Fitzgerald et al., "Academic Harassment: Sex and Denial in Scholarly Garb," *Psychology of Women Quarterly* 12, No. 3 (November 1988): 329–40, <https://doi.org/10.1111/j.1471-6402.1988.tb00947.x>.

¹² Miriam Gleckman-Krut, Elizabeth A. Armstrong, and Erin E. Bonar, "Preventing Campus Sexual Violence," *Contexts* 21, No. 1 (February 2022): 68–70, <https://doi.org/10.1177/15365042221083016>.

¹³ Luke Wakely, "Does the Culture of Academia Support Developing Academics Transitioning from Professional Practice?," *Journal of Higher Education Policy and Management* 43, No. 6 (November 2, 2021): 654–65, <https://doi.org/10.1080/1360080X.2021.1905495>.

¹⁴ Ryan Plummer et al., "The Issue of Performance in Higher Education Institution - Community Partnerships: A Canadian Perspective," *Journal of Higher Education Policy and Management* 43, no. 5 (September 3, 2021): 537–56, <https://doi.org/10.1080/1360080X.2020.1858386>.

¹⁵ Chris Ansell and Alison Gash, "Collaborative Governance in Theory and Practice," *Journal of Public Administration Research and Theory* 18, no. 4 (October 1, 2008): 543–71, <https://doi.org/10.1093/jopart/mum032>.

¹⁶ Janet Newman et al., "Public Participation and Collaborative Governance," *Journal of Social Policy* 33, no. 2 (April 2004): 203–23, <https://doi.org/10.1017/S0047279403007499>.

aligns the state's policy of fostering gender sensitivity and inclusivity.¹⁷ Moreover, it signifies the state's commitment to safeguarding victims of sexual crimes.¹⁸

This research introduces a fresh prospective, distinguishing it from previous studies. For instance, a study by Binahayati Rusyidi, et al. (2021) highlighted the lack of awareness regarding sexual violence among university students. It also revealed that a significant portion of survey respondents had experienced sexual harassment or violence, predominantly perpetrated by members of the academic community. However, the study did not propose any solutions for preventing and addressing sexual violence at universities.¹⁹

Another study by Nikmatullah (2021) discussed the challenges encountered when enforcing regulations to prevent and combat sexual violence in universities. It underscores that a Rector's policy on sexual violence signifies an educational institution's commitment to preventing and managing sexual violence cases. However, without efficient bureaucracy and competent human resources, the pursuit of justice and victim protection becomes challenging. The situation becomes even more complex when stakeholders' political interests shield the perpetrators under the guise of protecting the institution's reputation.²⁰

A study by Adji Suradji Muhammad, et al. (2017) scrutinized the application of the collaborative governance model in managing the borders of Riau Islands Province. It found that the principles of collaborative governance, such as effective collaborative culture, leadership, team processes, structure, and strategic vision, were not fully realized. Consequently, the security of Riau Islands Province borders remained uncertain, leading to illegal fishing, mining and human trafficking due to the lack of cooperation among border control agencies.²¹

In terms of novelty, this research stands out from previous works as it is the first to investigate the legal policy and collaborative governance model between stakeholders in preventing and handling sexual violence on campus. The ultimate aim is to foster an academic community with integrity.

The objective of this article is to ensure that Indonesian campuses are free from sexual violence. This will be achieved by leveraging network structures, a collective commitment from the academic community, and governance against sexual violence. Likewise, the article will explore the accessibility to authority, distributive accountability, information sharing, and resource access, all within the context of combating sexual violence.²²

¹⁷ Mary Braithwaite, "Gender-Sensitive and Women Friendly Public Policies: A Comparative Analysis of Their Progress and Impact" (Panteion University of Political and Social Sciences Athens, 2005), 17–111, <https://cordis.europa.eu/project/id/HPSE-CT-2002-00136>.

¹⁸ Lars Holmberg et al., "Victims' Rights: Serving Victims or the Criminal Justice System? An Empirical Study on Victims of Violent Crime and Their Experiences with the Danish Police," *International Journal of Comparative and Applied Criminal Justice* 45, no. 1 (January 2, 2021): 89–104, <https://doi.org/10.1080/01924036.2020.1719525>.

¹⁹ Binahayati Rusyidi, Antik Bintari, and Hery Wibowo, "Experience and Knowledge On Sexual Harassment: A Preliminary Study Among Indonesian University Students," *Share : Social Work Journal* 9, No. 1 (August 5, 2019): 75, <https://doi.org/10.24198/share.v9i1.21685>.

²⁰ Nikmatullah, "Demi Nama Baik Kampus VS Perlindungan Korban: Kasus Kekerasan Seksual di Kampus," *Qawwam: Journal For Gender Mainstreaming* 14, No. 2 (2020): 37–53, <https://doi.org/10.20414/qawwam.v14i2.2875>.

²¹ Adji Suradji Muhammad, "Collaborative Governance Model in Managing International Borders in Riau Islands Province Using Partial Least Squares Method," *JKAP (Jurnal Kebijakan Dan Administrasi Publik)* 21, No. 2 (November 11, 2017): 166, <https://doi.org/10.22146/jkap.28097>.

²² Stephen Goldsmith and Donald F. Kettl, eds., *Unlocking the Power of Networks: Keys to High-Performance*

This article is an urgent endeavor to devise a model for legal policy in Indonesian universities. It achieves this by drawing comparisons with countries such as the United States, the Netherlands, Canada, the United Kingdom, and Australia, all of which have successfully implemented collaborative governance-based legal policies to promote a morally sound campus environment. These five countries were chosen due to their effective legal policies, which have significantly reduced the instances of sexual violence on campus, thus serving as potential models for Indonesia.

This article poses several questions. Firstly, how is the policy framework for preventing sexual violence on Indonesian campuses currently structured? Secondly, what are the models of collaborative governance policies utilized by the United States, the Netherlands, Canada, the United Kingdom and Australia to address sexual violence on campus? Lastly, based on lessons learned from these five countries, what would be the optimal model of collaborative governance policies look like to prevent sexual violence on Indonesia campus?

RESEARCH METHODOLOGY

This study employs a socio-legal or non-doctrinal research methodology,²³ which integrates sociology, law and other social sciences to analyze substantive data. This approach allows us to explore three key categories: problem-based research, policy-based research, and law reform-based research.²⁴

Initially, the researcher identifies the relevant law, the issues impacting its operation, and the policies that underpin it.²⁵ The study employs two key methodologies: a comparative legal approach and a conceptual approach. The comparative legal approach is utilized to contrast the collaborative governance policies of five countries: Australia, the Netherlands, the United States, Canada, and the United Kingdom. The conceptual approach, on the other hand, is employed to identify relevant solution concepts in efforts to prevent campus sexual violence in Indonesia, drawing lessons from the aforementioned five countries.

ANALYSIS AND DISCUSSION

Legal Policies Pertaining to Campus Sexual Violence in Indonesia

Sexual violence, a severe public health concern, has long-lasting physical and mental health implications, resulting in significant social and public health expenditures. For instance, up to 33% of women are affected by sexual violence, which can lead to psychological distress, anxiety, trauma and reproductive health issues.²⁶

Government, Innovative Governance in the 21st Century ([Cambridge, MA] : Washington, D.C: Ash Institute for Democratic Governance and Innovation ; Brookings Institution Press, 2009), 135–36.

²³ Rini Fitriani et al., “Legal Protection for Wife and Child as Consequence of Head of Family’s Criminal Imprisonment Enforcement,” *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi* 6, No. 1 (June 30, 2023): 77–88, <https://doi.org/10.24090/volkgeist.v6i1.8232>.

²⁴ Widodo Dwi Putro and Adriaan W. Bedner, “Ecological Sustainability from a Legal Philosophy Perspective,” *Journal of Indonesian Legal Studies* 8, No. 2 (November 5, 2023), <https://doi.org/10.15294/jils.v8i2.71127>.

²⁵ Ariefulloh Ariefulloh et al., “Restorative Justice-Based Criminal Case Resolution in Salatiga, Indonesia: Islamic Law Perspective and Legal Objectives,” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, No. 1 (May 23, 2023): 19–36, <https://doi.org/10.18326/ijtihad.v23i1.19-36>.

²⁶ A. Frye, 2008. *Holistic Midwifery: A Comprehensive Textbook for Midwives in Homebirth Practice*, 1. Care During Pregnancy, Portland, Oregon, Labrys Press.p.234.

According to the World Health Organization’s World Report on Violence and Health, sexual violence escalates health risks across multiple body systems, including the nervous, cardiovascular, gastrointestinal, urogenital, reproductive, musculoskeletal, immune, and endocrine systems.²⁷ Beyond the detrimental effects of sexual violence on physical and mental health, individuals who endure such violence during childhood and adolescence are more likely to encounter similar experiences in adulthood.²⁸

The prevalence of sexual violence on campuses in Indonesia is alarmingly high. Data from the Indonesian National Commission on Women’s Violence recorded 338,496 reported cases of sexual violence in 2021. Over the past decade (2010-2020), the number of sexual violence incidents against women has risen dramatically, from 105,103 cases in 2010 to 299,911 cases in 2020, indicating an average annual increase of 19.6%.²⁹

Table 1: Incidences of Sexual Violence (2021-2022)

No	Forms of Sexual Violence	Number of Cases	Location
1	Rape	597	Public
2	Spousal Rape	591	Private
3	Incest	433	Private
4	Sexual Harassment	374	Public
5	Non-Consensual Intercourse	161	Public
6	Cyber Sexual Abuse	108	Public
7	Sexual Slavery	17	Private
8	Sexual Exploitation	14	Public
9	Attempted Rape	2	Public

Source: The National Commission on Violence Against Women, 2022

The data above indicate the prevalence of sexual violence against women in Indonesia, particularly in private setting. Service institutions recorded 2,363 cases in 2021, with rape being the most frequent type of sexual violence, accounting for 597 cases or 25% of the total. Following closely, spousal rape cases totaled 591. Incest, defined as sexual activity between closely related individuals or relatives, deemed to be a violation of social norms, law, and religious beliefs, accounted for 433 cases. Additionally, there were 374 reported instances of sexual harassment. Cases involving non-consensual intercourse and cyber sexual abuse numbered 164 and 108, respectively. Other forms of sexual violence included sexual abuse, with 63 cases, sexual slavery, with 17, sexual exploitation, with 14 cases, and attempted rape, with 2 cases.³⁰

²⁷ Organisation mondiale de la santé, ed., *Rapport Mondial Sur La Violence et La Santé* (Genève: Organisation mondiale de la santé, 2002), https://apps.who.int/iris/bitstream/handle/10665/42495/9241545615_eng.pdf.

²⁸ The National Intimate Partner and Sexual Violence Survey (NISVS), “National Intimate Partner and Sexual Violence Survey: 2010 Summary Report,” *Summary Report 2011*, 2010, http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf.

²⁹ Kabinat Kertala Ananta, “Kekerasan Seksual Di Kampus,” *LM Psikologi UGM*, 2022, <https://lm.psikologi.ugm.ac.id/2022/05/kekerasan-seksual-di-kampus/>.

³⁰ Vika Azkiya Dihni, “Perkosaan Dominasi Kasus Kekerasan Seksual terhadap Perempuan Sepanjang 2021,” *Katadata.co.id*, 2022, <https://databoks.katadata.co.id/datapublish/2022/03/09/perkosaan-dominasi-kasus-kekerasan-seksual-terhadap-perempuan-sepanjang-2021>.

The table below outlines the number of sexual violence victims by gender (male and female victims):

Table 2: *Victims of Sexual Violence Classified by Gender*

	By								
	Year of Input			Time of Occurrence			Year of Reporting		
	2021	2022	As of 01/01/2023	2021	2022	As of 01/01/2023	2021	2022	As of 01/01/2023
Total Cases	25,210	27,593	4,884	23,398	23,319	2,117	23,091	26,637	3,265
Female Victims	21,753	25,052	4,431	20,374	20,948	1,916	20,787	24,144	2,983
Male Victims	5,378	4,631	863	4,814	4,093	370	5,000	4,497	567

Source: *Violence, KPPA RI, 2022*

The data above shows a significant escalation in reported sexual violence cases from 2021 to 2022, affecting both male and female victims. This trend indicates that sexual violence in Indonesia, particularly within academic settings, is not just a routine matter but a crisis requiring exceptional measures.

Unraveling incidents of sexual violence on campuses proves more difficult than dealing with comparable off-campus situations. Numerous factors contribute to the complexity of addressing such cases. One of the most pertinent is the entrenched patriarchal culture in Indonesia. This culture perpetuates harmful stereotypes about women, often leading to instances of sexual violence. From a radical feminist perspective, patriarchy is seen as the fundamental mechanism male oppression against women.³¹

Power Dynamics in Cases of Sexual Violence: The power dynamics that typically exist between victims and perpetrators of sexual violence on campuses often demonstrate that the perpetrators wield greater power over their victims.³²

Cultural Factors of Victim-Blaming: Existing social stigma and taboos surrounding discussions of sexual violence often lead to victim-blaming. This not only discourages victims from reporting their experiences but also unfairly shifts the blame onto them.³³

Student Awareness and Understanding: A significant number of students remain uninformed about the concept of sexual violence. They are still in early stages of awareness and critical thinking regarding such issues.³⁴

Underreporting of Sexual Violence: The “iceberg phenomenon”—the notion that the visible

³¹ Anne-Kathrin Kreft, “‘This Patriarchal, Machista and Unequal Culture of Ours’: Obstacles to Confronting Conflict-Related Sexual Violence,” *Social Politics: International Studies in Gender, State & Society* 30, No. 2 (June 16, 2023): 654–77, <https://doi.org/10.1093/sp/jxac018>.

³² Aditya Yuli Sulistyawan, “Inequality of Power and Gender Relations in Cases of Sexual Violence on Campus: A Study of Legal Philosophy,” *Jurnal Wawasan Yuridika* 6, No. 2 (2022): 121–37, <http://dx.doi.org/10.25072/jwy.v6i2.542>.

³³ Asher Flynn et al., “Victim-Blaming and Image-Based Sexual Abuse,” *Journal of Criminology* 56, No. 1 (2022): 7–25, <https://doi.org/10.1177/26338076221135327>.

³⁴ Peter J. Hills et al., “Understanding How University Students Use Perceptions of Consent, Wantedness, and Pleasure in Labeling Rape,” *Archives of Sexual Behavior* 50, No. 1 (January 2021): 247–62, <https://doi.org/10.1007/s10508-020-01772-1>.

cases represent only a fraction of the actual number of incidents—is prevalent in sexual violence statistics. It is likely that many incidents remain unreported or are not properly addressed by the institutions.³⁵

Institutional Cover-Ups: There is a tendency on the part of academic institutions to suppress sexual violence cases in an effort to safeguard their reputation.³⁶

State Negligence and Potential Human Rights Violations: If sexual violence cases persist on campuses without effective intervention, it signifies a failure by the state, potentially leading to human rights violations.³⁷ Ignoring such cases also results in public mistrust and undermines the perception of campuses as safe spaces for intellectual growth.³⁸

Legal Vacuum in Indonesia’s Legislation: Currently, there is a legislative void in Indonesia regarding specific provisions for dealing with sexual violence on campuses. There is also a lack of regulations promoting prevention through a collaborative governance model that involves external parties.

Table 3: Overview of Indonesian Regulations on Sexual Violence

No	Regulation	State Objective	Assessment
1	Criminal Code - Law No.1 of 1946	Primarily legislates against rape, sexual intercourse, and lewd acts	Fails to address the necessity of preventive, collaborative governance
2	Child Protection - Law No. 23 of 2002	Primarily legislates for the protection of children under 18 years of age	Fails to address the necessity of preventive, collaborative governance
3	Eradication of Human Trafficking - Law No. 21 of 2007	Primarily legislates for the protection of victims within human trafficking syndicates	Fails to address the necessity of preventive, collaborative governance
4	Sexual Violence - Law Number 12 of 2022	Primarily legislates against sexual violence in general	Fails to address the necessity of preventive collaborative governance within campus environments
5	Prevention and Handling of Sexual Violence in Higher Education - Regulation Number 30 of 2021 by the Minister of Education and Culture of the Republic of Indonesia	Primarily legislates for general management and prevention of sexual violence	Fails to address the necessity of collaborative governance on campuses involving external parties

³⁵ Bella Savitsky et al., “The Surfacing Portion of the Iceberg of the Domestic Violence Phenomenon—Data from the Israeli National Trauma Registry,” *Israel Journal of Health Policy Research* 10, No. 1 (December 2021): 69, <https://doi.org/10.1186/s13584-021-00499-1>.

³⁶ Wies Jennifer R., “Title IX and the State of Campus Sexual Violence in the United States: Power, Policy, and Local Bodies,” *Human Organization* 74, No. 3 (2015): 276–86.

³⁷ Kirsten Johnson, “Association of Sexual Violence and Human Rights Violations With Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo,” *JAMA* 304, No. 5 (August 4, 2010): 553, <https://doi.org/10.1001/jama.2010.1086>.

³⁸ Diane Crocker, Joanne Minaker, and Amanda Neland, *Violence Interrupted: Confronting Sexual Violence on University Campuses* (McGill-Queen’s University Press, 2020), <https://www.perlego.com/book/3551978/violence-interrupted-confronting-sexual-violence-on-university-campuses-pdf>.

No	Regulation	State Objective	Assessment
6	Prevention and Handling of Sexual Violence in Education Units - Regulation Number 73 of 2022 by the Ministry of Religious Affairs	Primarily legislates for general management and prevention of sexual violence within campuses owned by the Ministry of Religious Affairs	Fails to address the necessity of collaborative governance on campuses involving external parties

The table above indicates that while Indonesia has a range of laws and regulations aimed at addressing sexual violence, their effectiveness is limited. For instance, Law Number 23 of 2002, which concerns Child Protection, primarily focuses on the general protection of children 18 but fails to address the necessity of preventive, collaborative governance.

The Domestic Violence Elimination Act (Law Number 23 of 2004) primarily addresses general violence within the household, while the Human Trafficking Eradication Act (Law No. 21/2007) is focused solely on the protection of victims ensnared in human trafficking operations.

The Criminal Code (Law Number 1 of 1946) does not specifically legislate against sexual violence. Rather, it addresses sexual violence under Articles 285-296, only when the act fulfills the criteria of rape, sexual intercourse, or lascivious conduct.³⁹

The Sexual Violence Act (Law Number 12 of 2022), while generally addressing sexual violence, fails to provide regulations for collaborative governance prevention strategies on university campuses.

The Minister of Education and Culture's Regulation Number 30 of 2021, concerning the Prevention and Management of Sexual Violence in Higher Education, and the Minister of Religious Affairs' Regulation Number 73 of 2022, concerning the Prevention and Management of Sexual Violence in Education Units, do not specifically address the necessity of collaborative governance.

Collaborative Governance Approach to Sexual Violence on Campus: A Global Perspective

Sexual violence on campuses remains a pervasive issue globally. To systematically combat this, several countries have adopted collaborative governance models designed to foster widespread public engagement and gather diverse insights from all stakeholders. The ultimate goal is to devise effective strategies to prevent sexual violence on campuses.

The United States, for instance, has introduced a campus violence prevention model known as the *Whole School Approach*. This framework treats sexual violence as a community and campus stakeholder issue. As such, prevention measures involve students, faculty, staff, and campus leaders, each playing a distinct role.⁴⁰

Moreover, the US strategy for preventing sexual violence on campus extends beyond the university grounds. It involves collaboration with local community institutions and professionals,

³⁹ Jeremy Chandra Sitorus, "Quo Vadis Perlindungan Hukum Terhadap Korban Pelecehan Seksual di Kampus," *Quo Vadis* 3, No. 1 (2019): 34, <https://doi.org/10.15294/lesrev.v3i1.30731>.

⁴⁰ Sarah McMahon et al., "Comprehensive Prevention of Campus Sexual Violence: Expanding Who Is Invited to the Table," *Trauma, Violence, & Abuse* 22, No. 4 (October 2021): 843–55, <https://doi.org/10.1177/1524838019883275>.

including advocates, social workers, medical personnel, psychologists, and even local café and bar owners. This comprehensive approach aims to shield campuses from sexual crimes.⁴¹

Employing a collaborative model that engages both on-campus and off-campus communities and institutions has proven to be highly effective in the US. It has significantly reduced the number of sexual crimes on campuses compared to efforts solely undertaken by the campuses themselves.⁴²

In the Netherlands, the approach to preventing sexual violence on campuses has evolved significantly since the 1970s. The country has transitioned from a fragmented model to a comprehensive, one-stop service that incorporates all institutions and professions associated with victims of on-campus sexual violence.⁴³ The strategy now also includes collaborations with off-campus institutions. The objective is to create a robust of non-violence that becomes a part of the day-to-day lives of all campus stakeholders.⁴⁴

Canada's approach to preventing and managing sexual violence on campuses encompasses victim services and support as well as extensive research and studies across various disciplines. Through this collaborative approach, the country aims to find comprehensive solutions to reduce on-campus sexual violence.⁴⁵

In the United Kingdom, the government also employs collaborative governance with all campus stakeholders to combat sexual violence.⁴⁶

This study will place a particular focus on Australian's efforts to prevent sexual violence on campuses through collaborative governance. Australia is a popular choice for Indonesian students seeking further education, given its close proximity to Indonesia and its use of English as the primary language of instruction. Over the past decade, Australia has been the top choice for one in four Indonesian students studying abroad.⁴⁷

The year 2023 saw an uptick in Indonesian student enrollment at Australian universities, reaching a record high of 20,350, a significant increase from the 15,000 students in 2022.⁴⁸ However,

⁴¹ Ethan Czuy Levine, "Engaging the Community: Building Effective Partnerships in Sexual Violence Prevention," *Journal of Applied Social Science* 12, no. 2 (September 2018): 82–97, <https://doi.org/10.1177/1936724418785416>.

⁴² Sharyn J. Potter et al., "A Collaborative Community College Sexual Violence Prevention and Response Effort: Climate Study Results to Assess Impact," *Violence Against Women* 27, No. 14 (November 2021): 2815–34, <https://doi.org/10.1177/1077801220969894>.

⁴³ Milou L. V. Covers, Wouter Karst, and Iva A. E. Bicanic, "Development of Multidisciplinary Sexual Assault Centres in the Netherlands," *European Journal of Psychotraumatology* 13, No. 2 (December 19, 2022): 2127475, <https://doi.org/10.1080/20008066.2022.2127475>.

⁴⁴ Victoria L. Banyard, "Improving College Campus-Based Prevention of Violence Against Women: A Strategic Plan for Research Built on Multipronged Practices and Policies," *Trauma, Violence, & Abuse* 15, No. 4 (October 2014): 339–51, <https://doi.org/10.1177/1524838014521027>.

⁴⁵ Irene Shankar and D. Scharie Tavcer, "'Good People with Good Intentions': Deconstructing A Post-Secondary Institution's Sexual Violence Policy Construction," *Canadian Journal of Educational Administration and Policy*, No. 195 (March 11, 2021): 2–16, <https://doi.org/10.7202/1075669ar>.

⁴⁶ Charlene Y. Senn et al., "Efficacy of a Sexual Assault Resistance Program for University Women," *New England Journal of Medicine* 372, no. 24 (June 11, 2015): 2326–35, <https://doi.org/10.1056/NEJMsa1411131>.

⁴⁷ Kedutaan Besar Australia Indonesia. Makin Banyak Mahasiswa Indonesia Belajar di Australia. Siaran Media Kedutaan Besar Australia Indonesia. 6 September 2017. https://indonesia.embassy.gov.au/jaktindonesian/SM17_059.html. Accessed 28 July 2023.

⁴⁸ Tim Okezone. Mahasiswa Indonesia Banjiri Australia, Atase Pendidikan Titip 3 Hal Okezone · Minggu 05 Maret 2023. <https://edukasi.okezone.com/read/2023/03/05/65/2775587/mahasiswa-indonesia-banjiri-australia-atase-pendidikan-titip-3-hal-ini#:~:text=Menurut%20Atdikbud%20Najib%2C%20jumlah%20mahasiswa,yang%20berjumlah%20sekira%2015.000%20orang>. Accessed, 23 Juli 2023.

the allure of academic prestige at Australian institution is shadowed by the threat of sexual violence, a risk that disproportionately affects international students compared to their local counterparts.⁴⁹

In 2022, the Australian Bureau of Statistics released national data revealing that 17% of women and 4% of men, aged 18 and above, had endured sexual harassment since they were 15.4. Further, a 2022 survey by the Australian Human Rights Commission, titled “Working Without Fear: National Telephone Survey,” disclosed that 33% of women and 9% of men had faced sexual harassment since turning 15.5. Remarkably, about 21% of individuals aged 15 and above had encountered sexual harassment in their workplace, with women (25%) being considerably more susceptible than men (16%). However, it is noteworthy that victims of sexual violence and harassment rarely report these incidents to relevant authorities.⁵⁰

Sexual harassment is most prevalent in academic settings, including lecture halls and campus public spaces. Social activities on campus or within student dormitories were found to be the common settings for sexual violence, with 101 reported victims. Additionally, 72 individuals reported being sexually assaulted while commuting to or from campus, while 48 victims each were reported from within the campus and student dormitories. The perpetrators were primarily male, as per the survey. It is also significant that most victims knew their aggressors, who were often fellow university students. Graduate students are more frequently harassed by faculty members or tutors compared to undergraduate students.⁵¹

At Australian academic institutions, a significant proportion of students, roughly one in six (16.1%), have encountered sexual harassment since commencing their studies. Additionally, one in twelve students (8.1%) have reported being victims of sexual harassment within the past year. Certain demographics, including female students (10.5%), transgender students (14.7%), and non-binary students (22.4%), face a higher risk of harassment compared to their male counterparts (3.9%). The perpetrators of these impactful incidents were predominantly male, with 84.0% of victims acknowledging this fact; Over half of the victims (60.7%) identified their fellow university students as the culprits, and a similar proportion (50.7%) knew some or all of the perpetrators. Notably, a significant number of reported incidents of sexual assault and sexual harassment were committed by university staff, encompassing lecturers, tutors, researchers, academic supervisors, and other non-academic personnel.

In Australia, stringent laws are in place to specifically prohibit on-campus sexual violence against all genders. Sexual violence, as defined by Australian regulations, encompass non-consensual sexual activities, rape, assault, and other indecent acts.⁵²

Australia enforces numerous federal and state laws that prohibit sexual violence, as outlined below.

⁴⁹ Fethi, Ihssane Daigneault, Isabelle, Manon, Bergeron Hébert, Martin Lavoie, Francine, 2022, Campus Sexual Violence: A Comparison of International and Domestic Students, 13, *Journal of International Students*. DOI. 10.32674/jis.v13i1.3685.

⁵⁰ Australian Bureau of Statistics, *2012 Personal Safety Survey—Table 17, cat No. 4906.0* (2013). <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4906.02012?OpenDocument>. Accessed 28 Juli 2023

⁵¹ Australian Human Rights Commission. 2017. Change the course: National report on sexual assault and sexual harassment at Australian universities. Sydney: Growing Positive Solutions. <https://humanrights.gov.au/our-work/sex-discrimination/publications/change-course-national-report-sexual-assault-and-sexual>. Accessed 29 July 2023.

⁵² Henry, Allison. 2023. *Regulatory responses to addressing and preventing sexual assault and harassment in Australian university settings*. A thesis in fulfilment of the requirements for the degree of Doctor of Philosophy. School of Global and Public Law. Faculty of Law & Justice. January 2023.

Table 4: *Australian Law Prohibiting Sexual Violence*

No	Jurisdiction	Relevant Legislation
1	Australia	Discrimination Act 1991 (ACT) Part 5;
2	Northern Territory	Criminal Code (NT) 192.
3	Western Australia	Criminal Code (WA) Section 325, Equal Opportunity Act 1984 (WA) Parts 2 and 4
4	New South Wales	Anti-Discrimination Act 1977 (NSW) Part 2A
5	Victoria	Equal Opportunity Act 2010 (Vic) Part 6;
6	Queensland	Anti-Discrimination Act 1991 (Qld) Chapter 3;
7	South Australia	Equal Opportunity Act 1985 (SA) Section 87;
8	Tasmania	Anti-Discrimination Act 1998 (Tas) Section 17; Division 2

Source: Compiled from various sources

The Australian Government’s approach to addressing sexual violence and harassment on university campuses does not involve crafting specific regulations for the issue. Instead, it relies on the enforcement of pre-existing legislation, reflecting the country’s federal constitutional system. The management of sexual violence on Australian campuses is governed through an amalgamation of regulations enacted at federal, state and territorial levels. For instance, the Commonwealth Sex Discrimination Act 1984, under Section 2 Division 3, article 28F, expressly deems sexual harassment in educational institutions, including universities, as an illegal act. Similar provisions are present in anti-discrimination laws across various states and territories.

The absence of university-specific regulations for managing and preventing sexual violence on campuses can be attributed to the fact universities are governed under various laws. For example, the Australian National University operates under Commonwealth law, specifically the Australian National University Act 1991, while other universities are regulated by state laws.

The Australian Government combats campus-based sexual harassment and violence through a collaborative governance approach, involving all campus stakeholders. This approach initiated with the development of Higher Education Standards in July 2020 the form of guidelines for managing and preventing such incidents. These guidelines, titled ‘Good Practice Note: Preventing and Responding to Sexual Assault and Sexual Harassment in the Australian Higher Education Sector’, were issued by the Tertiary Education Quality and Standards Agency. All Australian universities are obliged to adhere to standard guidelines.⁵³

The ‘Good Practice Note: Preventing and Responding to Sexual Assault and Harassment in the Australian Higher Education Sector’ is founded on nine fundamental principles. These includes prioritizing the safety and welfare of students and staff subjected to sexual violence and harassment, and ensuring comprehensive policies and procedures are implemented by trained personnel. This principle also encompass providing a secure environment for everyone, routinely adapting and widely distributing educational resources, and training students and staff to identify, prevent, and deal with sexual violence and harassment. Furthermore, principles stress the provisions of accessible,

⁵³ Tertiary Education Quality and Standards Agency. *Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector*. July 2020. <https://files.eric.ed.gov/fulltext/ED606441.pdf>. Accessed 31 July 2023

timely, and impartial support for all involved parties. They advocate for just, prompt, and effective options for reporting incidents, and responses to reports of sexual violence and harassment, along with continual innovation, evaluation and enhancement of preventive measures and responses to sexual violence and harassment.

The Australian government has also devised a series of commitments under its collaborative governance-based approach to prevent sexual violence on campuses. For instance, 2022, the government allocated \$75.7 million over a four-year period towards the Women's Safety Agenda. This followed a previous commitment of \$50 million from 1997 to 2005 towards the Partnership Against Domestic Violence initiative. These funds have been utilized to support over 230 projects that focus on research and campaigns aimed at reducing sexual violence at various scales, from local to national.⁵⁴

The Australian government has initiated a comprehensive national campaign to combat sexual violence. This campaign involves a multi-faceted approach, including nationwide distribution of resources, multimedia advertising, the publication of guidebooks, campus infrastructure improvement, and the creation of an informative website.

In a bold step towards enhancing its criminal justice system, the Australian Government has pledged to punish perpetrators of sexual violence more effectively. On August 12, 2022, it launched a National Work Plan aimed at bolstering the justice system's response to sexual violence for the period of 2022–2027. This plan incorporates various strategic initiatives, such as the National Plan for the Elimination of Violence against Women and Children (2022-2032), the National Strategy to Prevent and Respond to Child Sexual Abuse (2021-2030), and various State and Territory strategies. These are designed to inform future legislation and policy reforms.

In May 2008, the National Council to Reduce Violence against Women was established by the Australian Government. This initiative has fostered widespread public participation, involving over 2,000 community stakeholders and experts from diverse organizations and institutions. The council focuses on developing collaborative partnerships with state and community professions.

Furthering these initiatives, the Department of Social Services, in conjunction with the Australian Government, established the Australian Institute of Health and Welfare. This institution publishes guidelines for reporting sexual violence.⁵⁵ Moreover, in 2020–2021, the Department of Social Services created the National Association of Services Against Sexual Violence (NASASV). This entity is charged with developing services to combat sexual violence,⁵⁶ with a primary focus on protecting victims and survivors.⁵⁷ It has also streamlined the process of reporting sexual violence, making it more accessible to the public.

By implementing a model of collaborative governance in prevention of sexual violence, Australia has demonstrated relative success in mitigating sexual violence on campuses. This makes Australia an increasingly safe and conducive environment for domestic and international students alike.

⁵⁴ Criminal Justice Reform Taskforce First Nations and Justice Policy Division Attorney-General's Department. Sexual violence. <https://www.ag.gov.au/crime/sexualviolence>. Accessed 31 July 2023.

⁵⁵ Australian Institute of Health and Welfare. About Us. <https://www.aihw.gov.au/about-us>. Accessed, 28 July 2023.

⁵⁶ NASASV. *The National Association of Services Against Sexual Violence (NASASV)*. <https://www.nasasv.org.au/about>. Accessed 31 July 2023

⁵⁷ Gendered Violence Research Network, *School of Social Sciences, UNSW Sydney. 2022. The Standards of Practice Manual for Services Against Sexual Violence (3rd edition)*. Victoria: National Association of Services Against Sexual Violence.

Collaborative Governance Models in Preventing Campus Sexual Violence: Insights from Five Countries

Learning from the strategies employed by five nations—the United States, the Netherlands, Canada, the United Kingdom, and Australia—to prevent sexual violence on campuses, Indonesia needs to adopt a similar approach. The necessity for a proactive strategy that incorporates a model of collaborative governance is evident. This model should engage all stakeholders: government officials, university leaders, faculty members, staff, journalists, community leaders, and non-governmental organizations. The ultimate goal is to ensure all parties' active participation and to devise effective prevention strategies.⁵⁸

Implementing collaborative governance in the fight against campus sexual violence is anticipated to bring about a significant shift from the current model, which relies on independent efforts within the campus, excluding external parties.⁵⁹ In contrast, successful crime prevention strategies in various countries typically involves diverse stakeholders.⁶⁰

Interestingly, the Indonesian Minister of Education, Culture, Research, and Technology's Regulation Number 30 of 2021, addressing the Prevention and Handling of Sexual Violence in Higher Education, does not explicitly incorporate the collaborative governance model. This model would ideally be implemented through a Task Force for the Prevention and Handling of Sexual Violence in Higher Education Institutions. Similarly, the Minister of Religious Affairs Regulation Number 73 of 2022, concerning the Prevention and Handling of Sexual Violence in Educational Units under the Ministry of Religious Affairs,⁶¹ largely mirrors the former regulation. These ministerial regulations, while different in their institutional affiliations, share a common goal: to expedite the response to sexual violence within the educational sector. However, their tasks are largely similar, and neither explicitly mentions the integration of a collaborative governance model.

The two regulations, particularly the Regulation No. 30 of 2021 by the Minister of Education, Culture, Research, and Technology of the Republic of Indonesia, do not adequately position the involvement of additional stakeholders within the internal structure of the task force committed to preventing and addressing sexual violence on campuses. The engagement of other stakeholders is limited to consultative communication focused on safeguarding victims and witnesses (Article 34 paragraph 1g) and holding consultations regarding to handling sexual violence with relevant parties, considering the victim's circumstances, safety, and comfort (Article 34 paragraph 2c).

In the model of collaborative governance, stakeholders involved in preventing and addressing sexual violence should formally be integrated into the task force's internal structure. This approach is vital for fostering a comprehensive and effective response to campus sexual violence.⁶²

⁵⁸ Seidenfeld, Mark. 2000. Empowering stakeholders: Limits on collaboration for flexible regulation. *William and Mary Law Review* 41:411.

⁵⁹ Perigut, Donald (1981), 'Crime Prevention for Australian Public Housing', *ACPC Forum*, Vol. 4, No. 3, pp. 13-7.

⁶⁰ Lindsay, Betsy and McGillis, Daniel (1986), 'Citywide Community Crime Prevention: An Assessment of the Seattle Program', in Dennis P. Rosenbaum (ed.), *Community Crime Prevention. Does it Work?*, Sage Publications, Beverly Hills, CA. in Susan. 1988. *Crime prevention, theory and practice*. Canberra: Australian Institute of Criminology.

⁶¹ Kementerian Agama Republik Indonesia. Peraturan Menteri Agama Nomor 73 Tahun 2022 tentang Pencegahan dan Penanganan Kekerasan Seksual (PPKS) di Satuan Pendidikan pada Kementerian Agama.

⁶² Bertus De Villiers, "Freedom of Expression and Hate Speech: When Values Collide in Divided Societies," *Constitutional Review* 8, no. 2 (December 30, 2022): 184, <https://doi.org/10.31078/consrev821>.

The collaborative governance model for preventing sexual violence in Indonesia must actively incorporate non-state stakeholders.⁶³ Each stakeholder should directly participate in decision-making processes.⁶⁴ Collaboration implies reciprocal communication and influence between institutions and stakeholders, as well as opportunities for stakeholders to engage with each other. Institutions and stakeholders should participate in deliberative, multilateral processes. The roles of related actors in implementing collaborative governance policies to prevent sexual violence on campuses are as follows:

Students serve as critical agents in the execution of collaborative governance strategies. They are instrumental in advocating for protocols that promote the prevention of campus sexual violence. Their involvement extends to participating in enlightenment activities, training, and campaigns aimed at enhancing the comprehension and awareness of sexual violence among the student body. Equally, students bear the responsibility of reporting incidents of sexual violence, advocating for the rights of victims, and partaking in the enforcement of effective policies.⁶⁵

Faculty members occupy a twofold position in the enforcement of collaborative governance strategies aimed at curtailing sexual violence on campus. On one hand, they function as educators, disseminating knowledge related to sexual violence awareness, protection, and prevention to students. On the other hand, they serve as facilitators or mentors in coordinating enlightenment activities, discussions, or training pertinent to policies on the prevention of sexual violence. Moreover, it is incumbent upon faculty members to uphold their integrity and exemplify the ethics and values conducive to the prevention of sexual violence.

Administrative staff on campus play a pivotal role in the execution of collaborative governance policies aimed at preventing sexual violence. Their duties encompass the design, implementation, and supervision of policies devised to safeguard students from sexual violence. It is also within their purview to maintain transparent and secure communication channels for students to report sexual violence incidents. Furthermore, they are tasked with providing victims with necessary resources and support services. Campus administration can also forge collaboration with students, faculty members, and external entities to devise more efficacious policies.

The broader community plays a critical role in the enforcement of collaborative governance strategies aimed at curtailing campus sexual violence. They can bolster initiatives and campaigns designed to heighten sexual violence awareness amongst students. Additionally, community members can establish supportive networks for sexual violence survivors and advocate for more proactive measures from both the university and government in addressing and managing sexual violence on campus.

Drawing from Australia's experience, it is paramount that the central government cooperates with regional authorities to ensure adequate financial resources for various campaigns, education activities, research, and training programs focused on preventing sexual violence on campuses. Subsequently, the government should establish a dedicated National Commission on Campus Sexual Violence. This body would be responsible for assessing the effectiveness of the 'Prevention

⁶³ Beierle, Thomas C., and Rebecca J. Long. 1999. Chilling collaboration: The Federal Advisory Committee Act and stakeholder involvement in environmental decisionmaking. *Environmental Law Reporter* 29:10399.

⁶⁴ Freeman, Jody. 1997. Collaborative governance in the administrative state. *UCLA Law Review* 45:1.

⁶⁵ Donna Okthalia Setiabudhi et al., "The Role of Land Management Paradigm Towards Certainty and Justice," *BESTUUR* 11, No. 1 (August) (April 12, 2023): 43, <https://doi.org/10.20961/bestuur.v11i1.71710>.

and Management of Sexual Violence in Higher Education Environment’ regulation (Number 30 of 2021) issued by the Indonesian Minister of Education, Culture, Research, and Technology, as well as the ‘Prevention and Management of Sexual Violence in Education Units’ (Number 73 of 2022) issued by the Minister of Religious Affairs.

CONCLUSION

The escalating incidence of sexual harassment and violence on campuses, involving both perpetrators and victims from the academic community, presents a concerning trend that threatens public trust in educational institutions. Current Indonesian laws and regulations have proven insufficient in addressing campus sexual violence effectively. Therefore, legal policies and collaborative governance, integrating actors from within and outside the academic community, are required to combat this issue. Learning from the approaches of countries such as the United States, the Netherlands, Canada, the United Kingdom, and Australia, the Indonesian government should adopt a strategy of collaborative governance. This strategy would involve a commitment from the central government to work in conjunction with local authorities to secure adequate funding for campaigns, training, and anti-sexual violence awareness education. It should also aim to establish standards and guidelines for victims and survivor-focused sexual violence services. Furthermore, the creation of a National Commission on Sexual Violence is recommended. This body would oversee the implementation of anti-sexual violence laws and regulations across Indonesian campuses, ensuring a more robust response to this pressing issue.

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