

Research Horizon

ISSN: 2808-0696 (p), 2807-9531 (e)

Research Horizon

Volume: 05

Issue: 04

Year: 2025

Page: 1545-1554

Citation:

Kurniawan, F., Munawar, I., & Suparman, O. (2025). Human rights-based legal protection for sexual violence victims in formal education. *Research Horizon*, 5(4), 1545-1554.

Article History:

Received: July 1, 2025

Revised: August 13, 2025

Accepted: August 19, 2025

Online since: August 30, 2025

Human Rights-Based Legal Protection for Sexual Violence Victims in Formal Education

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Abstract

Sexual violence in formal educational institutions continues to pose a serious problem, with numerous documented victims experiencing psychological trauma, academic decline, and violations of fundamental human rights. This phenomenon highlights the urgent need for comprehensive and systemic protection mechanisms. The purpose of this study is to examine the legal protection afforded to victims and witnesses of sexual violence in formal education settings from the perspective of human rights, particularly as regulated under Law Number 39 of 1999 on Human Rights. This research uses a qualitative approach with a juridical-normative method through library research. The findings indicate that legal protection has not been effectively implemented due to weak inter-agency coordination, lack of socialization, and limited institutional resources. In many cases, the institutional culture prioritizes reputation over justice, resulting in closed mediation processes that ignore victims' rights. Educational services are also often partial and unsustainable, further aggravating victim trauma. The study concludes that legal protection in educational settings still deviates from human rights principles, necessitating stronger regulatory enforcement and cooperation between policy makers and law enforcement to ensure justice and prevent recurring victimization.

Keywords

Educational Environment, Human Rights, Legal Protection, Sexual Violence, Victims and Witnesses.

1. Introduction

Sexual violence in educational institutions has become a global and national concern due to its devastating impact on the safety, mental well-being, and academic development of students (Abdurrachman, 2010; Wibowo, 2021). International organizations have repeatedly highlighted the severity of this issue. UNESCO reports that around 10% of adolescent girls in low- and middle-income countries experienced forced sexual intercourse or other forms of sexual violence in the past year. Plan International, in collaboration with UNESCO, estimates that approximately 246 million children and adolescents are subjected to violence, including sexual violence, within and around school environments annually. Similarly, United Nations Girls' Education Initiative (UNGEI) data reveals that 40% of boys and 20% of girls have been victims of sexual violence at school. These statistics reflect not only the widespread nature of the problem but also the urgency for states to uphold their duty to provide safe and inclusive learning environments (Sukadi & Ningsih, 2021; Alhakim, 2021).

In Indonesia, the national picture is equally alarming. According to National Commission on Violence Against Women (*Komisi Nasional Anti Kekerasan terhadap Perempuan/Komnas Perempuan*), in 2023 there were 15,621 reported cases of sexual violence, a figure that forms a significant portion of the 46,405 recorded instances of violence against women. Notably, sexual violence in schools and campuses increased from 12 cases in 2022 to 37 in 2023, including molestation, attempted rape, verbal harassment, and criminalization of victims (Handoko, 2022). A tragic example is the life sentence handed to a teacher in a Bandung pesantren who raped 13 female students aged 12–16 and impregnated eight of them, causing severe trauma (Widijowati, 2023; Marbun & Yani, 2024). Furthermore, the silence surrounding such cases, often perpetuated by educational institutions themselves, was notably exposed during student protests at the University of Indonesia, where institutional inaction led to public outcry (Nova & Elda, 2022; Bayusuta & Suwanto, 2022; Lumowa, 2024).

This growing trend of sexual violence in formal education settings not only undermines the right to a sense of personal security as guaranteed under Article 28G paragraph (1) of the 1945 Constitution but also violates the right to education as stipulated in Article 28C paragraph (1). Law Number 39 of 1999 concerning Human Rights affirms the state's obligation to protect children from neglect, abuse, and sexual violence. At the international level, instruments such as Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC) (Articles 34 and 35), and the International Covenant on Civil and Political Rights (ICCPR) further strengthen this obligation by mandating states to take legislative, administrative, and judicial measures to ensure the protection and rehabilitation of victims.

Despite the enactment of Law Number 12 of 2022 on Sexual Violence Crimes, and the existence of ministerial regulations such as Regulation of the Minister of Education, Culture, Research, and Technology (*Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi/Permendikbudristek*) Number 30 of 2021 and 82 of 2015, implementation in the field remains fraught with challenges. These include limited institutional resources, lack of socialization, inconsistent reporting mechanisms, and minimal inter-institutional cooperation. In practice, many educational units have failed to form functional Sexual Violence Prevention and Handling Task Forces (*Pencegahan dan Penanganan Kekerasan Seksual/PPKS*), and even when formed, these task forces are often symbolic, lacking trained personnel or sustainable funding. Victims frequently encounter unclear reporting flows, fear retaliation, and experience stigmatization conditions that lead over 60% of students to withhold reports. These systemic weaknesses hinder adequate protection and

perpetuate impunity (Harahap, 2016; Putra et al., 2020; Lewoleba & Fahrozi, 2020; Trisnawati & Kurniawan, 2023).

This study seeks to fill the gap by analyzing the legal protection mechanisms available for victims and witnesses of sexual violence in formal education environments through the lens of Law Number 39 of 1999 concerning Human Rights. The specific objectives are to examine the current state of legal protection for victims and witnesses within educational institutions and to evaluate these mechanisms from a human rights perspective, particularly in terms of their alignment with the principles of justice, non-discrimination, and recovery.

2. Literature Review

Sexual violence in educational settings is a pervasive global issue with significant national implications in Indonesia, as highlighted by UNESCO and Komnas Perempuan. Approximately 10% of adolescent girls in low- and middle-income countries experience forced sexual acts annually, while Plan International estimates 246 million children face violence in or around schools each year. UNGEI data further reveals that 40% of boys and 20% of girls encounter sexual violence in educational environments, underscoring the urgent need for systemic interventions (Sukadi & Ningsih, 2021). These international statistics highlight the scale of the problem, yet their methodologies, often based on surveys, may underreport due to cultural stigmas surrounding disclosure. In Indonesia, Komnas Perempuan documented a rise in sexual violence cases in educational settings, from 12 in 2022 to 37 in 2023, including molestation and verbal harassment (Handoko, 2022). This increase reflects not only growing awareness but also persistent institutional failures to address cases effectively. High-profile incidents, such as the Bandung pesantren case, where a teacher was convicted for raping 13 students, reveal systemic issues in enforcement and prevention. However, Komnas Perempuan's data may be limited by underreporting in rural areas, where access to reporting mechanisms is scarce. Comparing global and national trends suggests that while international frameworks emphasize prevention, Indonesia's context requires tailored solutions to address cultural and bureaucratic barriers (Multiwijaya et al., 2022; Marbun & Yani, 2024).

Indonesia's legal framework, particularly Law Number 12 of 2022 on Sexual Violence Crimes and Permendikbudristek Number 30 of 2021, aims to protect victims and witnesses in educational settings, yet implementation remains inconsistent. The Crime of Sexual Violence (*Tindak Pidana Kekerasan Seksual*/TPKS Law) establishes a due diligence approach, mandating prevention, prosecution, and victim recovery, but Harahap (2016) notes that over 60% of victims avoid reporting due to stigma and complex administrative processes. Permendikbudristek Number 30/2021 requires universities to establish Sexual Violence Prevention and Handling Task Forces; however, operational challenges, such as limited training and funding, hinder their effectiveness (Lumowa, 2024). For instance, only 202 of 4,475 higher education institutions have robust PPKS mechanisms, leaving most campuses ill-equipped to handle cases (Bapino, 2022). International instruments, such as CEDAW and CRC, further obligate states to ensure non-discriminatory justice; however, their integration into Indonesia's education sector is weak due to bureaucratic rigidity (Novitasari et al., 2024). Harahap (2016) argues that progressive laws are undermined by a lack of socialization, with many educators unaware of reporting protocols. This gap is evident in cases resolved through informal mediation, which prioritize institutional reputation over justice, violating victims' rights to transparent legal processes (Endrawati & Setyowati, 2019). Strengthening inter-agency coordination and standardizing PPKS training could bridge this gap, but without dedicated budgets, reforms remain superficial.

Critical legal studies and victimology provide critical lenses for understanding institutional barriers to protecting victims of sexual violence in education, as

emphasized by Bumiller (2015) and Ahmadin et al. (2024). Bumiller (2015) argues that victims are often reduced to passive participants in legal processes, a trend evident in Indonesian educational institutions where closed mediations sideline victims' rights to justice (Fernanda et al., 2025). This practice reflects an institutional culture that prioritizes reputation over accountability, as seen in university responses to student protests over inaction (Julianto, 2020). Victimology emphasizes the importance of psychosocial support and restorative justice; however, Ahmadin et al. (2024) note that access to the LPSK is hindered by bureaucratic hurdles and low awareness, particularly in regions such as Bangka Belitung. Over 27% of cases in universities from 2015 to 2020 were resolved informally, perpetuating impunity and trauma (Rahma, 2025). Critical legal systems theory further underscores how power dynamics within institutions obstruct formal reporting, with PPKS Task Forces often lacking operational capacity (Asafari & Hakim, 2023). For example, Kompas reports that secondary schools in East Java have non-functional task forces, with counselors untrained in handling sexual violence cases (Noventari & Suryaningsih, 2020). Integrating victim-centered approaches, such as anonymous reporting systems or the STARR model from U.S. campuses, could address these gaps, but requires institutional commitment and resources (Tilung, 2023).

3. Methods

This research employs a qualitative approach, aiming to understand and interpret the meaning of an event through human interactions and behavior under specific conditions, from the researcher's perspective. A qualitative approach allows for in-depth data collection on complex phenomena, particularly regarding legal protection for victims and witnesses of sexual violence in formal educational settings. In line with Yusmar's (2021) opinion, qualitative research focuses on observing social meanings, placing the subject within the surrounding social, cultural, and legal context. The research method used is a juridical-normative one, which examines laws and other legal materials to assess the extent to which legal protection has been guaranteed and implemented.

Data collection techniques were conducted through library research, which included a review of several primary and secondary legal sources, such as the 1945 Constitution of the Republic of Indonesia, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, Law Number 31 of 2014 concerning Protection of Witnesses and Victims, and Law Number 39 of 1999 concerning Human Rights. Furthermore, academic literature and court decisions relevant to legal protection for victims and witnesses in cases of sexual violence in educational institutions were used.

To analyze the phenomenon conceptually and normatively, this research draws on several key theories. First, human rights theory, particularly the principle of due diligence, which emphasizes the state's obligation to prevent, investigate, prosecute, and rehabilitate victims of violence. Second, the theory of access to justice emphasizes the importance of individual rights to a fair and non-discriminatory legal process. Third, the theory of victim protection emphasizes the fulfilment of victims' rights to participate in the legal process, receive redress, and receive non-discriminatory treatment.

The analysis in this research was conducted normatively using a textual comparison approach between applicable legal articles and legal findings from legislative and jurisprudential studies. Therefore, the results of this research are expected to provide recommendations for regulatory reform and the development of technical guidelines that are more in line with human rights principles in the context of protecting victims and witnesses of sexual violence in formal education.

4. Results

4.1. Implementation Challenges of the Sexual Violence Crime Law

Law Number 12 of 2022 concerning the Crime of Sexual Violence (*Tindak Pidana Kekerasan Seksual/TPKS Law*) in Indonesia establishes a robust legal framework with 93 articles aimed at preventing sexual violence, handling cases, and restoring victims' rights (Nurisman, 2022). Grounded in principles of legality and non-discrimination, the law adopts a due diligence approach, emphasizing prevention, protection, prosecution, punishment, and victim recovery. However, one and a half years after its ratification, evaluations reveal significant gaps in implementation. A National Human Rights Commission (*Komisi Nasional Hak Asasi Manusia/Komnas HAM*) report highlights uneven socialization of the law's mechanisms and inadequate training for law enforcement officials, leaving many victims struggling to access promised legal protections. This lack of dissemination and capacity-building undermines the law's intent to ensure justice and support for survivors.

A study by Harison (2024) underscores that despite the law's comprehensive provisions, sexual violence cases have not significantly decreased, indicating weak monitoring and evaluation mechanisms. Komnas Perempuan further emphasizes the need for accelerated implementation and improved coordination among state institutions to ensure adequate recovery for victims. The absence of consistent training and clear operational guidelines has led to varied application of the law across regions, with many victims facing bureaucratic hurdles when seeking justice. For instance, Article 13 of the TPKS Law, which guarantees victims' rights to legal assistance and rehabilitation, is often hindered by complex administrative processes, including evidence collection and forensic examinations, which are poorly coordinated and exacerbate victims' psychological burdens.

The procedure for reporting sexual violence, while regulated, suffers from fragmented institutional coordination. Victims must navigate a complex system of agencies, including the Regional Technical Implementation Unit for the Protection of Women and Children, integrated service units, community organizations, and the police, without clear guidance on where to report. Komnas HAM notes that the reliance on the Criminal Code for proving sexual violence creates legal ambiguities, prolonging litigation and delaying justice (Mariani, 2011). This bureaucratic complexity, coupled with the slow development of implementing regulations (e.g., Presidential and Ministerial Regulations), results in inconsistent application of the law, particularly in remote areas. The lack of standardized technical guidelines further exacerbates these challenges, leaving victims and witnesses uncertain about their rights and available protections.

4.2. Institutional Barriers in Educational Environments

The Regulation of the Minister of Education, Culture, Research, and Technology Number 30 of 2021 mandates universities to establish Task Forces for the PPKS to ensure safe learning environments. These task forces are responsible for case reporting, investigation, and follow-up protocols. An October 2023 evaluation by the Ministry of Education and Culture indicates that while task force formation has raised awareness within academic communities, operational challenges persist. Limited training scope and insufficient budget allocations for psychosocial support hinder the effectiveness of the task forces. Universitas Brawijaya's implementation guidelines, which include training modules and educational videos, have been adopted by only a few campuses, resulting in inconsistent standards for fulfilling victims' rights to information, legal assistance, and safe spaces.

Field studies reveal that many PPKS Task Forces exist only symbolically, lacking operational capacity, clear work plans, or dedicated funding. A March 2025 evaluation by the Indonesian House of Representatives confirms that reporting protocols and follow-up mechanisms are often ineffective due to varying

interpretations and inadequate staff training. Komnas Perempuan notes that many task forces are merely administrative structures, unable to conduct routine surveys on violence or provide psychological assistance. The Indonesian Judicial Research Society (ICJR) highlights those operational constraints stem from insufficient socialization and technical guidance, with only a few States Islamic Universities implementing Standard Operating Procedures (SOPs) effectively (Rahma, 2025). UNESCO warns that without dedicated budgets and a commitment from leadership, task forces risk being sidelined, with cases often resolved through informal mediation rather than formal legal channels.

In private universities, the situation is similarly dire. A Khub.id investigation found that of approximately 4,475 higher education institutions, only 202 (less than 5%) have implemented adequate mechanisms for selecting and training task force members. At the secondary school level, Kompas reports that PPKS Task Forces in East Java vocational schools are essentially non-functional, with guidance counselors teachers unfamiliar with sexual violence reporting protocols. As a result, cases are often unreported or resolved informally, leaving victims without access to psychosocial services, legal assistance, or referrals to the LPSK (Yusmar, 2021). This failure to operationalize task forces violates the due diligence obligations outlined in the TPKS Law and international human rights frameworks, denying victims their right to safety and justice.

The culture of resolving sexual violence cases internally to preserve institutional reputation further exacerbates these issues (Simamora, 2023). Many schools and universities prioritize “campus calm” over victims’ rights, pressuring victims and families to avoid formal legal processes. Komnas Perempuan 2015–2020 data indicates that 27% of 51 complaints in educational institutions occurred in universities, yet most cases were settled through closed mediation, bypassing legal accountability. This practice, often involving perpetrators with close ties to institutional leaders, fosters a culture of impunity, where perpetrators face minimal consequences, and victims are left without recovery support. Such actions contradict the TPKS Law’s emphasis on transparent and fair handling of sexual violence cases.

4.3. Victim and Witness Protection Gaps

Law Number 31 of 2014 concerning the Protection of Witnesses and Victims mandates physical, psychological, and legal protections for victims and witnesses, including in educational settings. However, research in Bangka Belitung reveals that students face significant barriers in accessing LPSK services due to lengthy administrative procedures and limited awareness of regional LPSK liaison offices. Jamaludin (2021) and Ahmadin et al. (2024) highlights how stigma and social discrimination deter victims from seeking protection, violating the non-discrimination principles enshrined in national and international human rights instruments. Victim-blaming attitudes, rooted in societal norms and rape myths, further discourage reporting, as victims fear secondary stress and social isolation. Witnesses also hesitate to come forward, anticipating similar treatment (Yulia, 2015; Yunus, 2024).

The right to a safe learning environment, as emphasized by UNESCO’s Safe Learning Environments policy, is undermined by the prevalence of informal resolutions. Human Rights Watch notes that many Indonesian campuses resolve sexual violence cases through “peace settlements” outside legal channels, failing to ensure justice or safety (Rahma, 2025). This practice not only violates victims’ rights to transparent legal processes but also perpetuates trauma, leading to academic decline, absenteeism, and dropouts. The Global Partnership for Education reports that 35% of Indonesian students are at risk of experiencing sexual violence in schools, with long-term consequences such as trauma and concentration disorders. UNESCO also highlights structural barriers, such as local policies restricting

pregnant students' access to education, which further marginalize victims (Sukadi & Ningsih, 2021).

The victimology perspective emphasizes the importance of security, restorative justice, and long-term recovery. While Permendikbudristek Number 82/2015 mandates prevention and systemic handling of violence, including psychosocial support, most schools and universities offer only short-term counseling without structured rehabilitation programs (Jamaludin, 2021). The STARR model in U.S. campuses demonstrates that consistent restorative justice practices can alleviate PTSD symptoms and support emotional recovery, yet Indonesian institutions lack such frameworks. LPSK's limited capacity to handle educational cases, coupled with sporadic referrals and inadequate coordination with the Ministry of Education, further hinders victim support. The absence of integrated reporting systems and independent mechanisms, such as anonymous hotlines, perpetuates a cycle of silence, leaving victims without access to holistic legal, psychological, and social support.

5. Discussion

The findings of this study indicate that despite the existence of progressive regulations such as Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence and Regulation of the Minister of Education, Culture, Research, and Technology Number 30 of 2021, their implementation in educational settings remains far from optimal. These results reinforce previous findings that the main obstacles to legal protection for victims and witnesses of sexual violence are weak inter-institutional coordination, a lack of outreach, and limited operational capacity at the educational unit level (Harison, 2024).

One key issue uncovered is the ineffectiveness of the PPKS Task Force in many educational institutions. Although their formation is mandatory, their implementation tends to be administrative in nature, lacking the support of human resources, training, or a dedicated budget. As noted by the National Commission on Violence Against Women, many task forces are merely symbolic and lack concrete work programs or the capacity to comprehensively handle cases (Rahma, 2025). These findings align with the critical legal systems theory approach, which highlights the gap between institutional norms and practices, where formal reporting often clashes with an institutional culture of covering up cases to preserve reputations (Bumiller, 2015).

The discussion also highlighted victims' weak access to psychosocial and legal protection through the LPSK. Although Law Number 31 of 2014 guarantees the right to protection for witnesses and victims, in reality, the referral mechanism from schools and universities to the LPSK is ineffective due to minimal publicity and bureaucratic complexity (Ahmadin et al., 2024). This contradicts the principles of non-discrimination and access to justice in national and international human rights instruments, such as CEDAW and the CRC, which emphasize the state's responsibility to ensure the protection and recovery of victims.

The phenomenon of "internal peaceful resolution," often practiced by educational institutions, constitutes a serious violation of the right to justice. Many victims are subtly pressured not to file legal reports, and cases are resolved through closed-door mediation, denying victims comprehensive recovery (Irawati, 2022). This practice not only violates the principle of legality in human rights protection but also reinforces a culture of impunity that endangers the future of victims and witnesses.

Furthermore, the non-fulfillment of the right to education is a major concern because untreated sexual violence can lead to trauma, decreased performance, and even school dropout (Mariani, 2011). UNESCO and the Global Partnership for Education note that this situation hinders the achievement of the Sustainable Development Goals (SDGs), particularly goals 4 (inclusive and quality education) and 5 (gender equality).

This discussion underscores the importance of a human rights-based approach and the principle of due diligence in reforming the protection system in educational settings. The state should actively prevent, investigate, prosecute, and rehabilitate victims of sexual violence. Therefore, strengthening the training of education officials, mandating external reporting to the LPSK, and integrating legal and psychosocial services must be priorities in policy revisions (Tilung, 2023). Without these concrete steps, the implementation of legal protection will continue to be hampered by a culture of impunity and persistent structural injustice.

6. Conclusion

The findings reveal that legal protections for victims and witnesses of sexual violence in Indonesia's formal education sector, as mandated by Law Number 39 of 1999 on Human Rights, the Sexual Violence Crime Law, and Permendikbudristek Number 30 of 2021, are inadequately implemented. Persistent cases of unresolved sexual violence, coupled with institutional tendencies to prioritize reputation over justice, reflect a failure to uphold human rights principles. Weak inter-agency coordination, limited socialization, and insufficient operational resources result in PPKS Task Forces that are often merely administrative, lacking budgets, training, or transparent reporting mechanisms. Closed mediations sideline victims' rights to justice and recovery, exacerbating trauma and perpetuating a culture of impunity.

Practically, this leads to victims and witnesses facing bureaucratic barriers and inadequate psychosocial support, undermining their right to a safe learning environment. Theoretically, the gap between progressive legal frameworks and their execution highlights a disconnect in applying due diligence and restorative justice principles, particularly at primary and secondary education levels not explicitly covered by current regulations. The research is limited by its focus on higher education and select regional studies, potentially overlooking variations in primary and secondary settings. Future research should explore standardized reporting mechanisms, evaluate budget allocation impacts, and assess cross-sectoral synergies to strengthen external reporting, continuous training, and integration with the LPSK, ensuring inclusive human rights-based protections across all educational levels.

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Acknowledgment

We gratefully acknowledge the contributions of individuals who supported the completion of this article.

Funding Information

This research did not receive any funding.

Conflict of Interest Statement

The authors declare that there is no conflict of interest.

Ethical Approval and Originality Statement

Ethical approval was obtained for this study. The manuscript represents original work and has not been previously published, nor is it under consideration by another journal.

Data Disclosure Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.



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