The #permendikbud30 Controversy Over the Prevention and Handling of Sexual Violence in Higher Education on Social Media

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Abstract
The controversy over the Minister of Education and Culture Regulation (Permendikbudristek) Number 30 of 2021 on the Prevention and Handling of Sexual Violence in Higher Education is interesting to study. Criticism of this regulation, among others, Article 5, which carries the phrase “without the consent of the victim”, raises the meaning of legalizing immoral acts and consent-based free sex. Along with this polemic, reports and news about sexual violence in colleges have also emerged. This debate also occurs in society, especially with the presence of digital media, which makes a discourse grow fast and expand. Various comments and discussions occurred in various media, especially social media. This research using the concept of participatory culture aims to get an overview of public comments through the social media Twitter #permendikbud30, which contains uploads and comments regarding the controversy over Permendikbudristek Number 30 of 2021 and will be carried out through netnography studies. Finally, the results of the analysis show a picture of the diversity of people’s perspectives in giving their opinions, namely: (a) by analogy with verses in the Quran; (b) there are many cases whose handling is not in favor of the victim and a firm law is needed; (c) educational institutions have not been responsive in handling cases that have occurred; (d) there is still polarization in politics, especially related to identity politics and (e) support for the relevant ministries for the ratification of this regulation is an important contribution to handling cases of sexual violence in the campus.

Keywords: culture of participation; netnograph: permendikbudristek; regulation; sexual violence.

Introduction

At the end of 2021, one of the government policies that sparked many pros and cons in society was the Minister of Education and Culture Regulation (Mendikbud) Number 30 of 2021 on the Prevention and Handling of Sexual Violence in Higher Education. The ministerial regulation was signed on 31 August 2021 and came into effect on 3 September 2021 (https://jdih.kemdikbud.go.id). Criticism of this regulation includes, for instance, Article 5, which carries the phrase “without the consent of the victim” in several verses. The words create the meaning of legalizing immoral acts
and consent-based free sex. The paragraph that becomes these problems include: (1) deliberately showing the genitals without the victim’s consent (article 5 paragraph 2 letter b); (2) Taking, recording and/or distributing photos and/or audio and/or visual recordings of victims with sexual nuances without the victim’s consent (article 5 paragraph 2 letter f); (3) Uploading photos of the victim’s body and/or personal information with sexual nuances without the victim’s consent (article 5 paragraph 2 letter g); (4) Disseminating information related to the victim’s body and/or person with sexual nuances without the victim’s consent (article 5 paragraph 2 letter h); (5) Touching, rubbing, holding, hugging, kissing and/or rubbing body parts on the victim’s body without the victim’s consent (article 5 paragraph 2 letter i); (6) Undressing the victim without the victim’s consent (article 5 paragraph 2 letter j). In a research, Amal (2021), who conducted a study of the phrase “without the victim’s consent”, stated that the reason for the objection to this policy emerged with the assumption that if both parties agree (the alleged perpetrator and the victim), it means that an immoral act will be considered right even though it violates morals and religious values. However, in the explanation of his study from a legal perspective, the phrase “without the victim’s consent” is nothing but to protect the privacy and individual rights of the victim, whose impact cannot be measured by other parties outside the victim. This phrase distinguishes which matters can be followed up by the complaint handling team directly or indirectly.

The Research and Development Council for Higher Education (Dikti) of Muhammadiyah’s Central Executive Board (PP) considers that the rules with the disputed phrase have the potential to legalize adultery (https://www.kompas.com/). There are also members of the council who proposed repealing the regulation. Member of Commission X of the House of Representatives of the Republic of Indonesia (DPR RI) from the Prosperous Justice Party (PKS) faction, Fahmy Alaydroes, urged that the regulation should be repealed because it accommodates the condoning of adultery and same-sex sexual relations. In addition, the Chairperson of the PP Aisyiyah Law and Human Rights Council, Atiyatul Ulya, said that her party’s input in drafting the Minister of Education and Culture Regulation Number 30 of 2021 concerning the prevention and handling of sexual violence on campus is ignored by the Ministry of Education and Culture (https://www.liputan6.com/).

Furthermore, the groups that support enacting this policy hope that victims of violence can speak out and violence on campus can be stopped because the occurrence of sexual violence can be an obstacle to realizing national education goals. The Permendikbudristek based on studies and analysis of various incidents that have taken place on campus (https://kumparan.com/kumparannews/) and should be appreciated because it is a quick step so that sexual violence that occurs in tertiary institutions can be prevented earlier and can be handled as soon as possible if it occurs. The Permendikbudristek cannot be interpreted as legalizing consensual sexual relations outside of marriage, nor legalizing LGBT. From the campus side, Universitas Padjadjaran, through the Deputy Chancellor for Academic and Student Affairs, Arief Sjamsulaksan Kartasasmita, views this regulation positively because it provides the basic rules for campuses to prevent sexual violence.

Along with the polemics for and against these regulations, some reports and news about sexual violence in tertiary institutions indeed also emerged. Some incidents have even been going on for a long time. This shows that incidents of sexual violence are things that are not easy to disclose and may not even get a fair settlement, especially for the victim, especially if it is done by lecturers to students (in this case, female students whose position is fragile). Based on data compiled by Komnas Perempuan throughout 2020, there were 2,389 cases of violence, and 53% of them were sexual violence and not only in the personal space but also in public spaces such as educational institutions. There were more than 67 cases of sexual violence that occurred in educational settings from student to student, lecturer to student, and lecturer to lecturer(https://kumparan.com/kumparannews/). Chairperson of Komnas Perempuan (National Committee of Women), Andy Yentriyani, said many cases were not reported because they were considered consensual or other things. The Ministry of Education and Culture survey revealed that 70% of respondents from the campus environment
stated that cases of sexual violence did occur on campus.

Komnas Perempuan further stated that there are still tertiary institutions that are reluctant to accept the fact that this case occurred in their institutions. Therefore, Komnas Perempuan appreciates Permendikbudristek Number 30 of 2021 because it emphasizes that if prevention and handling efforts are not carried out by the campus, sanctions will not only be imposed on the perpetrators but also on educational institutions. Nikmatullah (2020) through his writings reveals that although mechanisms for preventing and overcoming sexual violence in tertiary institutions already exist, they must be accompanied by good bureaucracy and adequate human resources. Human resources play an important role in creating a gender-friendly campus environment and culture. For this reason, understanding and awareness are needed to recognize forms of violence, responsive mindset changes, and respect for victims to provide justice and protection. Another study by Khafsoh & Suhairi (2021) describes students’ understanding of sexual violence on campus. The results are that (1) students have sufficient knowledge about forms of sexual violence, (2) students do not understand how reporting mechanisms and handling processes are carried out both internally on campus and related to authorized institutions outside campus, (3) students do not really look at campus performance and considered pessimistic. From the results of this research, there are still many things that need to be done and improved in the campus environment regarding the phenomenon of sexual violence.

Polemics around incidents of sexual violence on campus then also occurred in the general public, especially with the presence of digital media, which made a discourse develop quickly and expand. Various comments and discussions took place in various media, especially social media, which ultimately became a forum for conveying various opinions and could become a source of input for various government policies (Karolina & Zarkasi, 2022). It would be interesting to do further research on how the community responds to the issue regarding the Minister of Education and Culture. Referring to this, this study aims to get an overview of public comments via social media Twitter with the hashtag #permendikbud30, which contains uploads and comments regarding the controversy over Permendikbudristek Number 30 of 2021.

Theoretical Framework

The ministerial regulation, which is the topic of this research, stipulates the prevention and handling of sexual violence in the tertiary environment. Based on the academic text of the Bill on the Elimination of Sexual Violence by Komnas Perempuan, sexual violence is defined as any act of demeaning, humiliating, attacking and/or other actions, against the body related to sexual desire and/or reproductive function forced against someone’s will and/or other actions that cause that person to be unable to give internal consent state of freedom, due to unequal power relations, gender relations and/or other causes, which result or may result in physical, psychological, sexual suffering or misery, economic, social, cultural and/or political losses. Sexual violence can take the form of harassment, exploitation, slavery, intimidation, torture, punishment with sexual orientation, forced prostitution, forced abortion, and so on. This act of sexual violence needs serious handling, especially when various psychological and physical impacts happen to the victim (http://mappihui.org/).

On the other hand, many victims of sexual violence are reluctant to report it for several reasons, such as shame, fear, guilt, and unknowing where to report it. Data from the 2020 IJRS and INFID Gender Equality Barometer Quantitative Study states that more than half, or 57.3% of victims, do not report. The reason is mainly due to the negative stigma given to victims, especially women, which creates attitudes in society that blame victims, both from the community and law enforcement officials (http://ijrs.or.id/). Therefore, victims feel they cannot find a safe place and support the fulfillment of their access to justice. In fact, the victim should get good support from the environment. Victims are also worried about the lack of protection of their identities and are afraid of the spread of information about their case which may have an impact on mental health, especially now that news can quickly circulate and be responded to by the public through various digital media platforms, especially existing social media. The development of the media
has changed a lot of people’s habits, especially the involvement or participation of the community in various discourses that are being discussed more and more intensively. Of the various forms of digital media, social media is the media which is most widely used and owned by the public. Kompas.com (https://teknokompas.com/) stated that more than half of the population in Indonesia had actively used social media in January 2021, out of a total of 274.9 million people in Indonesia.

From the explanation above, it can be seen that the high use of social media ultimately provides an opportunity for the public to participate and give their opinions on various issues, including political issues and others. According to Jenkins in Fuchs (2014), social media is an expression of participatory culture. Everyone involved in social media will play an active role in content creation and distribution. They will interact with each other, resulting in participation and collaboration. Jenkins defines participatory culture in several ways: (1) communities are easier to engage with and tend to be more seamless. This is, of course, related to the opening of various social media platforms that exist today. (2) Opportunities exist to create content and share creations with others. (3) Various directions, information, and instructions are scattered in interactions on social media. (4) Social media users who believe their contribution is important.

Social media users feel a social connection and care about what each other thinks. Jenkins’ notion of participatory culture is primarily about expression, engagement, creation, sharing, experience, contribution, and feeling. Jenkins does not connect the notion of participatory culture with aspects of political economy and democracy. Triputra (2015) refers to Rheingold, stating that this participatory culture allows individuals to create and disseminate content easily and freely. Media content is no longer under the control of the media owner but is already in the hands of the audience. Currently, audiences can easily select news, and provide comments and ratings. Audiences can also modify and re-create as well as disseminate information on an event. Participatory culture also confirms that those involved have a significant contribution and feel the level of social relations between them (Cahya & Triputra, 2016).

However, it is necessary to note that digital media, especially various forms of social media familiar with people’s daily lives, has positive and negative sides. The positive is that when interested parties can manage messages and information flows well, various information, especially policies that the public needs to know, can be conveyed and well received. Conversely, if there are problems such as unclear information and information confusion, then the policy will reap a lot of criticism and even reduce public trust in policymakers. This is in line with the exposure of Straubhaar et al. (2016) in their book, which states that digital media has interactive, social, asynchronous, and multimedia characteristics.

Research conducted by Kaur et al. (2021) stated that the growth of social media and its extensive reach had been used by political leaders to communicate and share information. Other research also shows the potential and influence of politics and public discourse on certain topics. Research conducted by Kadijat et al. (2020) shows that community involvement in the context of general elections tends to increase through Twitter tweets and shows various information and predictions about the real life around them. Twitter is in fact one of the social media in the form of a microblogging service that connects its users with the latest stories, ideas, opinions and news about anything that is considered interesting (https://m.merdeka.com/). This social networking site was introduced in July 2006 but began to work on 21 March 2006. When it was first launched, Twitter limited 140 characters for a single tweet or upload and then increased the character limit from 140 to 280.

Material and Methodology

Currently, most social science researches are carried out based on digital media. One of them is observing various comments on various social media accounts about a certain topic. As previously explained, discourse on social media influences shaping public opinion. Robert V. Kozinets (2020) mentions that social media has developed greatly in the last few decades. It can impact positively, yet sometimes it is a phenomenon that is not easy to understand.

For this reason, netnography is presented to explore and understand more
about social media phenomena. Karolina & Zarkasi (2022) refer to Kozinets, mentioning netnography is a qualitative method that seeks to understand cultural experiences reflected in social media footprints, practices, networks, and systems. This cultural experience can be involved, communicated, and reflected on, thus forming the three basic elements of netnography: investigation, interaction, and immersion. In the context of this research, cultural experience relates to how cyber communities respond to issues that arise on social media. Through netnography, social media is considered a research tool and can become a sustainable system for researching society and as insight for those who need it. Netnography is an adaptation of ethnographic methods and other qualitative research practices. In simple terms, netnography relies on discussion, interaction, communication, and relationships built through several social media platforms (Priyowidodo, 2019).

Social media that will be the object of research is Twitter through #permendikbud30. The account selection and data analysis steps are; (1) Selection of threads based on the highest number of retweets from searches on #permendikbud30 data as of 13 February 2022, (2) Five accounts were determined, namely @adekumala, @arionazda, @ulil, @PLGkulikilir, and @ferrykoto, (3) From these five accounts then analyzed comments on initial posts using #permendikbud30 on comments as of 10 June 2022 (table 1).

<table>
<thead>
<tr>
<th>Table 1. Twitter Account @adekumala</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account name and account description</td>
</tr>
<tr>
<td>Uploads and descriptions of retweets, quote tweets, likes, and comments</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2. Twitter Account @arionazda</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account name and account description</td>
</tr>
<tr>
<td>Uploads and descriptions of retweets, quote tweets, likes, and comments</td>
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</tbody>
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<tr>
<th>Table 3. Twitter Account @ferrykoto</th>
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<tbody>
<tr>
<td>Account name and account description</td>
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<tr>
<td>Uploads and descriptions of retweets, quote tweets, likes, and comments</td>
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<tr>
<th>Table 4. Twitter Account @PLGkulikilir</th>
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<tr>
<td>Account name and account description</td>
</tr>
<tr>
<td>Uploads and descriptions of retweets, quote tweets, likes and</td>
</tr>
</tbody>
</table>
Table 5. Twitter Account @ulil

<table>
<thead>
<tr>
<th>Account name and account description</th>
<th>@ulil - 807,700 Followers - 8,000 Following - 146,000 Tweets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commentary uploads and captions</td>
<td><em>In the Quran there are verses: Wala tukrihu fatayatikum ‘alal bigha’i (QS 24:33): do not force your young women into prostitution. So, is it okay to prostitute without being forced? Of course, no, dooong. #permendikbud30</em></td>
</tr>
<tr>
<td></td>
<td>Uploaded on 14 November 2021 at 14.09 and generated 287 Retweets - 36 Quote Tweets - 1,280 Likes and 74 Comments</td>
</tr>
</tbody>
</table>

Result and Discussion

The posts related to #permendikbud30 and the thousands of retweets and comments show an image of the concept of participatory culture where people have a very broad opportunity to create content and share it with each other. The controversy that appeared in the news with the point of issue regarding the phrase “without the victim’s consent” then widened with many perspectives (Table 6).

Table 6. Results of data processing: Five groups of comments

<table>
<thead>
<tr>
<th>Commentary by analogy with verses of the Quran</th>
<th>In the Quran there are verses: Wala tukrihu fatayatikum ‘alal bigha’i (QS 24:33): do not force your young women into prostitution. So, is it okay to prostitute without being forced? It is a big no, dooong.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seeing from the side of injustice in victims and the law</td>
<td>It is possible, if from the beginning this issue I thought of the verse, la taqrabu al-zina (do not approach adultery). Please try to be more complete. What are the verses before and after, what is the asbabun nuzul? Rules of law and verses of the Qoran are read differently</td>
</tr>
<tr>
<td></td>
<td>Yes, sir, because it is not quite right when juxtaposed with the holy verses,</td>
</tr>
<tr>
<td></td>
<td>The law must be clear, because it is not uncommon for people to take advantage of loopholes to free offenses, especially complaint offenses</td>
</tr>
<tr>
<td></td>
<td>This is no longer just the level of sexual harassment but also legal harassment, reputation abuse, and human rights abuse.</td>
</tr>
<tr>
<td></td>
<td>Reluctant to follow the news in Indonesia because the plot is the same, the victim reported to the police - just recorded it - uploaded it to social media - went viral - the police said why didn’t they report yesterday - took action - perpetrator accused the victim back - victim investigated - victim was intimidated - victim dropped charges - perpetrator is safe</td>
</tr>
<tr>
<td></td>
<td>Anything done to other people without their permission cannot be justified, even if it is right. Likewise the opposite. The two of them had been like that from the start. There is no need for rules. If regulated, it will create a loophole for lying, confessing without permission, or being allowed.</td>
</tr>
<tr>
<td></td>
<td>Free sex is harassing women. Women are only considered as objects that can be owned without ties and left at will. If the intention is to protect against harassment, wouldn’t it be better to ban free sex?</td>
</tr>
<tr>
<td></td>
<td>They said, please give a tough law.. Hard law with what if there is no clear legal framework regarding sexual violence in this country because it is always considered to legalize adultery. It is a law/candy. We only adhere to the Criminal Code which is not detailed or the Law on child protection</td>
</tr>
<tr>
<td></td>
<td>It’s really bad that outside the Permendikbud there are general laws that bind allcitizens wherever they are, does not mean that the campus area can be separated from common laws related to immorality</td>
</tr>
</tbody>
</table>
### Seeing the lack of responsiveness of educational institutions

Are you aware that educational institutions are now more focused on profit and prestige branding than focusing on education itself, where everything that threatens the name of the campus (branding) must be removed, silenced through backdoor methods?

When Permendikbud 30/2021 was promulgated to protect students from sexual predators, these religious leaders were busy questioning “Consent”. When they fall victims of sexual violence, with the perpetrators and even religious teachers, they remain silent. What are you really fighting for?

### Look at it from the side of identity and political interests

The context: coercion (ordering hard). Not Prostitution. Kadrun actually already understands, but he’s ashamed to admit he is wrong, because he feels like he is the most right....

LOL. Where are the people who reject the PKS Bill? Say the law is as severe as possible, when they want to make a legal umbrella they refuse with ABCD reasons. Tar also if the top officials hit, defended it out. That’s an example of HRS.

From comments on social media, 30 lay supporters of the Permendikbut understand this rule as validating sex consent, while its leaders are still fussing over the protection of victims. Among those who agree, there is an understanding of this, especially for those who are against it because they have always observed the efforts of Kepmen supporters as a group that wants to get rid of religion as just a private matter.

Hahahha Permendibud 30 and a series of other PKS drafts are actually more suitable for liberal leftist organizations/NGOs that support the PKS Bill…Your Circles are predatory nests, kept even

Even though the PKS bill also benefited Habib Rizieq in the nasty chat case that happened to him. HRS Chat cannot be charged with harassment, because it is consensual like Ariel Cut Tari. If PKS insists that they be punished, it means that PKS wants to frame HRS secretly. I have read their tactics

They are smart people, yet because of political reasons, they are looking for justification to support their counter-attitude towards the government. Unfortunately, other parties are also swayed by their opinion, let alone being confronted with religious factors.

It is really difficult if the content is already political, let alone already bringing religion.

### Look at it from the government side

You are more concerned with “consent” as if all parents do not teach their children religion and decency norms. Our children are educated to be religious and moral, but we need the state to protect them. Thank you Mas Minister @nadiemmakarim who has remained firm with Permendikbud 30/2021, despite various reproaches and pressure from parties who seem to have the most morality and understand religion. History will record your real contribution to protecting the country’s children through the authority you have.

The point... It used to be crowded, but now it is quiet... The Minister of Education and Culture focuses on protecting against sexual predators... There are other rules regarding adultery... An analogy... The Traffic Law, motorbike riders are required to wear helmets... That does not mean riders can naked... There are other rules, ethics etc...

Well... power is used to protect the powerless, especially second-class citizens

Do they really forget that there is a law other than the Permendikbud which already regulates immoral acts or not? Their imagination is so wild. It is disgusting to read. Well, I really hope I forgot. If it turns out to be intentional for the sake of swaying opinion, this is really evil.

Apart from the Permendikbud and other legal norms, there are also religious norms, moral norms, etc
by a complete study of the background of the verse’s revelation.

The second group is the comments that a lot come up by seeing that there are still many cases of sexual violence that are not handled properly and that the handling is not in favor of the victim. It is even felt that some rules and laws have not been implemented properly in handling cases of sexual violence. Similar comments appeared quite a lot, especially referring to various cases that occurred and did not receive complete handling.

This also applies to some cases on campus, and comments on this matter raise a third group that highlights the unpreparedness of educational institutions to deal with sexual violence and even tends to cover up the cases that occur. In addition, there are also opinions about the perpetrators of violence, which actually come from parties that should be role models. This is in line with the results of the research discussed previously by Khafsoh & Suhairi (2021). Students do not understand how the reporting mechanism and handling process are carried out internally on the campus and related to authorized institutions outside the campus. Students do not look at campus performance well and are considered pessimistic.

The fourth group is the comments we often encounter regarding various cases in Indonesia. The comments in this group are still colored by the existence of polarization and political interests related to the presidential and regional head elections several years ago with the presence of identity politics. One of the studies that have this conclusion is research on the pros and cons over vaccine presence in Indonesia in the early days of the pandemic conducted by Karolina & Zarkasi (2022). In this study, one of the conclusions reached was the pro and con statements about vaccines in society against the backdrop of political support for one of the camps in the 2019 Presidential Election and the emergence of popular terms known as “Cebong” and “Kampret”. In this research on #permendikbud30, special terms such as “Kadrun”, “Habib Rizieq” and others still appear. This phenomenon also frequently occurs in uploads and comments on various social media, especially if the issues discussed concern policymakers.

Next is the fifth group that supports this #permendikbud30 policy with various arguments such as the importance of this policy and an important contribution from the government, especially related ministries, to address the problem of sexual violence in campus environments.

Figure 1. Word Cloud result from #permendikbud30

Other processed data from the word cloud uploaded by Twitter #permendikbud30, which is the crawling process or the process of retrieving, collecting, and downloading data from a database, produces several words that often appear in uploads and comments such as victim, law, campus, religion, violence, lecturer, verse, harassment, and several other words. This is in line with the results of processed data from social media, namely groups of comments about sexual violence on campus, which are still not handled properly and need strict rules or legal umbrellas because there are many injustices against the victims of violence. This reinforces the discourse that is developing in society that many cases of sexual violence in
Indonesia have not been appropriately resolved. This phenomenon is like an iceberg that only shows the surface. (https://nasional.kompas.com/).

Returning to the initial issue, namely the pros and cons over the phrase “without the victim’s consent”, it can be seen that there are various public perspectives on this matter, especially the meaning of the language used. We know that language use in legal products requires a certain understanding because it can lead to multiple interpretations. This is in line with Amal’s research (2021) that the purpose of this phrase is to clarify that the form of sexual violence in question can only meet the requirements and can be acted upon as sexual violence if the victim or the aggrieved party does not want or does not agree. This is to respect everyone’s privacy and the rights of individuals considered victims by other parties. Based on this research, good public communication from the government or policymakers when setting policies is vital, especially those that require further explanation. This explanation is necessary to avoid multiple interpretations of language and to harmonize norms in policies in accordance with applicable legal principles so that the issued policies do not cause polemic. Kemdikbudristek, in this case, needs to design an appropriate policy outreach program for related parties. This Permendikbudristek Number 30 of 2021 has indeed complemented with guidebooks, implementation tools, explanations about policies, and others which can be downloaded on the Kemdikbudristek website.

Conclusion
This study on the public uploads and comments via social media Twitter #permendikbud30, regarding the controversy over Permendikbudristek Number 30 of 2021 is summarized into several overviews, including: People’s perspectives in giving their opinions are diverse, namely: (a) some are analogous to verses in the Quran; (b) there are many cases whose handling is not in favor of the victim and an immutable law is needed; (c) educational institutions have not been responsive in handling cases that have occurred; (d) there is still polarization in politics, primarily related to identity politics and (e) support for the relevant ministries for the ratification of this regulation and is an essential contribution in handling cases of sexual violence in the campus environment.

There needs to be proper public communication for the policies set, especially if they relate to sensitive matters and concern the protection of the public, and contain sentences written in legal language that require further understanding. In addition, if a policy is present along with other additional explanations, then a complete socialization pattern and program must be implemented so society is enlightened. Community involvement in the digital era, which gave rise to a participatory culture, requires many parties, especially policymakers, always to be ready to face various public comments and the discourse built on these comments.

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