

**JLPH:**
**Journal of Law, Politic
and Humanities**<https://dinastires.org/JLPH>dinasti.info@gmail.com

+62 811 7404 455

E-ISSN: 2962-2816
P-ISSN: 2747-1985DOI: <https://doi.org/10.38035/jlph.v5i4>
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Legal Protection for Victims of Sexual Violence in Higher Education from a Victimology Perspective

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Abstract: Sexual violence is a serious issue in higher education institutions. To address and combat sexual violence in universities, several regulations have been enacted, including Ministry of Education, Culture, Research, and Technology Regulation No. 30 of 2021 on the Prevention and Handling of Sexual Violence in Higher Education, which was later replaced by Regulation No. 55 of 2024, along with the Law on Sexual Violence Crimes. This paper aims to examine the legal protection for victims of sexual violence in universities and explore the application of a victimological perspective for further understanding. The research employs a juridical-normative methodology, utilizing primary and secondary legal sources, as well as non-legal materials. The findings indicate that the regulation of victim protection in higher education is adequately addressed in Ministry of Education Regulation No. 55 of 2024. However, efforts to enhance victim protection could be further strengthened by adopting a victim-centered approach, victim-centered justice, and other victimology-based solutions.

Keyword: Legal Protection, Sexual Violence, Victimology, Victim-Centered Approach. Abstract..

INTRODUCTION

Sexual violence is defined as any sexual act or attempt to obtain a sexual act through violence or coercion. According to the World Health Organization (WHO), this encompasses a wide range of situations, including rape or infidelity within marriage, rape by strangers, sexual harassment, sexual abuse of persons with disabilities, sexual abuse of children, forced marriage and child marriage, denial of the right to use contraceptives or prevent sexually transmitted diseases, and forced abortion .

Globally, approximately 35.6% of women have experienced sexual violence, with prevalence rates varying across different groups. For instance, the rate of sexual violence against children with disabilities reaches 13.7% , while in higher education institutions, the prevalence is approximately 10.3% . A prevalence rate of 10% indicates that 1 in 10 women has been a victim of sexual violence and reported the incident. Research by Borumandnia et al. highlights that the global prevalence of sexual violence positions women as the most vulnerable

victims, with at least 1 in 36 women worldwide having experienced sexual violence. The global data on sexual violence aligns closely with the situation in Indonesia. The 2023 Annual Report on Violence Against Women by the National Commission on Violence Against Women (Komnas Perempuan) recorded 289,111 cases of violence against women in 2023. Additionally, data from the Ministry of Women Empowerment and Child Protection in 2024 reported 27,108 cases of violence, the majority of which involved women. The types of violence experienced by women include sexual, physical, psychological, and other forms, with sexual violence being the most prevalent.

This alarming prevalence of sexual violence is also evident in higher education institutions. According to Komnas Perempuan Commissioner Alimatul Qibtiyah, there were over 1,000 cases of sexual violence on campuses across hundreds of universities in Indonesia in 2024, with 94% of the victims being women. The highest number of cases reported at a single university reached 70 cases. The high incidence of sexual violence in higher education has prompted the Ministry of Education, Culture, Research, and Technology (Kemendikbud Ristek) to prioritize measures for protection, prevention, and handling of such cases. This effort led to the issuance of the Ministerial Regulation Number 30 of 2021 on the Prevention and Handling of Sexual Violence in Higher Education (Permen PPKS), which was later replaced by Ministerial Regulation Number 55 of 2024.

The issuance of the Ministerial Regulation on the Prevention and Handling of Sexual Violence in Higher Education (Permen PPKS) has encouraged many universities in Indonesia to establish specialized bodies to address sexual violence cases. These bodies, known as the Task Force for the Prevention and Handling of Sexual Violence (Satgas PPKS), aim to protect all members of the academic community, including students, lecturers, staff, and others, from acts of sexual violence. In addition to Permen PPKS and the establishment of Satgas PPKS, the momentum for protecting victims of sexual violence was further bolstered by the enactment of Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS).

The implementation of Permen PPKS and UU TPKS, coupled with the formation of Satgas PPKS, has contributed to heightened awareness and concern about sexual violence in higher education institutions. For instance, at the Universitas Pendidikan Indonesia, 135 reports of sexual violence cases were received between May and December 2022, marking a significant increase. This indicates not only greater awareness but also an increase in victims' willingness to report cases, which has been largely facilitated by the existence of a formal legal framework. However, despite the increase in reporting, some victims have expressed dissatisfaction with how their cases were handled by Satgas PPKS. According to a Tempo report, approximately 30 complainants voiced dissatisfaction with the assistance provided by Satgas PPKS. While this number appears minor relative to the total number of reported cases, sexual violence remains a "tip of the iceberg" phenomenon. In reality, many victims or witnesses of sexual violence lack the courage to come forward, making this issue often referred to as a "hidden epidemic". Therefore, the dissatisfaction expressed by some complainants cannot be dismissed as insignificant.

Despite the establishment of the Task Force for the Prevention and Handling of Sexual Violence (Satgas PPKS) in public universities, challenges persist in raising awareness about its existence and functions. A 2024 survey by Universitas Islam Indonesia revealed that half of the respondents were unaware of the Satgas PPKS, primarily due to insufficient socialization and education regarding its role and purpose. This indicates that while the establishment of Satgas PPKS has achieved 100% coverage in public universities, its implementation faces significant obstacles. Moreover, many private universities have yet to form their own Satgas PPKS, which hampers efforts to create a campus environment that ensures safety and protection from sexual violence.

The incomplete implementation of sexual violence protections in higher education is deeply concerning, especially considering the devastating impact of sexual violence on victims.

Research by Donevan showed that among 120 individuals who were victims of sexual violence, 83% exhibited symptoms of post-traumatic stress disorder (PTSD), and 69% had attempted suicide. These findings highlight the severe psychological and emotional damage inflicted on victims. Beyond these psychological impacts, sexual violence also results in physical harm, social isolation, economic consequences, and public health burdens.

Given these factors, the suboptimal implementation of protections and the dissatisfaction of victims with case handling must be addressed with more effective and victim-centered measures. A victim-centered justice approach should prioritize fairness and place the needs of victims at the heart of interventions. In this regard, the paradigm of victimology offers a valuable framework for improving protections and responses to sexual violence in higher education institutions.

Victimology is a subdiscipline of criminology that focuses on the study of victims, encompassing topics such as the relationship between victims and offenders and compensation for victims of crimes. Kurt Weis, in his article *Victimology and Rape: The Case of the Legitimate Victim*, highlights that societal constructs often create the concept of a "legitimate victim," or a victim deemed deserving of violence due to factors like social status, gender, or behavior. In many cases of sexual violence within higher education, such incidents frequently occur because victims are perceived as subordinate or deserving of mistreatment, driven by hierarchical power imbalances.

In addition to the construct of the "legitimate victim," victims of sexual violence often face social stigmatization and victim blaming. They are frequently held responsible for the violence they experience, much like the concept of the "legitimate victim." This blaming typically creates significant barriers for victims to report incidents due to fear of disbelief or further humiliation. These dynamics underscore the importance of victimology in understanding the experiences of victims, providing adequate legal protection, and ensuring that justice and protection systems are more responsive to victims' needs.

Based on these considerations, this study examines the legal protections for victims of sexual violence in higher education through the lens of the Ministerial Regulation on the Prevention and Handling of Sexual Violence (Permen PPKS), utilizing a victimology perspective. The goal is to construct an effective victim-centered framework for protecting victims of sexual violence within higher education institutions.

METHOD

This study employs a normative juridical research methodology, utilizing legislative and conceptual approaches. As a doctrinal study, the data examined includes primary sources, such as statutory regulations; secondary sources, such as journal articles and books relevant to the issues under study; and non-legal data. These data are collected through document study techniques and analyzed using qualitative analysis.

RESULTS AND DISCUSSION

Legal Protections for Victims of Sexual Violence in Higher Education

Acts of sexual violence have profound negative impacts on the physical, psychological, and social well-being of victims. Victims often experience fear, anger, anxiety, shame, guilt, depression, and in many cases, trauma. The majority of sexual violence victims are women, a consequence of power imbalances and their vulnerable positions. As of November 2024, approximately 1,919 cases of sexual violence in Indonesian higher education institutions have been recorded. Although this figure represents a decline from previous years, it remains a concern in achieving a safe and conducive campus environment as mandated by Law Number 12 of 2012 on Higher Education.

The persistence of sexual violence cases in higher education is accompanied by a variety of forms and types of such violence commonly encountered in these settings. These include

catcalling, non-consensual touching, online gender-based violence, sexually explicit video calls, and frotteurism. These actions are often executed through various strategies, such as abusing power to coerce victims, cultivating trust through seemingly positive relationships, exploiting victims' empathy, taking advantage of their grief. The conditions described above underscore the pressing need to protect victims of sexual violence, particularly within higher education institutions. This urgency is reinforced by international commitments, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which Indonesia ratified through Law Number 7 of 1984. While CEDAW does not explicitly address sexual violence, articles such as Articles 2, 5, 6, 11, 12, and 16 mandate and encourage member states to ensure and protect women's rights, especially against sexual violence. Furthermore, CEDAW's General Recommendations No. 19 and No. 35 explicitly recognize sexual violence as a form of discrimination against women and emphasize the need for legal measures to protect women and combat sexual violence.

In 2021, with increasing attention to handling and preventing sexual violence in higher education, Ministerial Regulation Number 30 of 2021 on the Prevention and Handling of Sexual Violence in Higher Education (Permen PPKS 2021) was enacted. A year later, Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS) was passed. After three years, Permen PPKS 2021 was replaced with Ministerial Regulation Number 55 of 2024 on the Prevention and Handling of Sexual Violence in Higher Education (Permen PPKS 2024). The changes in Permen PPKS were necessary to accommodate legal developments.

The enactment of Permen PPKS 2021 at that time became the standard for all public universities to establish the Task Force for the Prevention and Handling of Sexual Violence (Satgas PPKS) and was also the first specific regulation to comprehensively address sexual violence issues in higher education. Previously, sexual violence was regulated and referred to the Criminal Code (KUHP), the Criminal Procedure Code (KUHAP), Law Number 23 of 2002 on Child Protection, Law Number 23 of 2004 on the Elimination of Domestic Violence, Law Number 31 of 2014 on Witness and Victim Protection, and Law Number 44 of 2008 on Pornography. Provisions on sexual violence in the KUHP can be found in Chapter XIV on Crimes Against Decency. However, the provisions in the KUHP were very narrow and limited to rape (Articles 285-286), molestation (Article 289), child exploitation (Article 293), and abuse of authority for sexual crimes (Article 294).

The limitations of the Criminal Code (KUHP) in regulating sexual violence, particularly the lack of victim protection during the handling process as well as its overly narrow and non-comprehensive provisions on sexual violence, have been addressed with the enactment of the Sexual Violence Crime Law (UU TPKS). In addition to regulating victims' rights to handling, protection, and recovery from the occurrence of sexual violence, the UU TPKS also addresses the prevention of all forms of sexual violence; handling, protection, and recovery of victims' rights; coordination between the central and regional governments; and international cooperation to ensure the effective handling and prevention of sexual violence.

Permen PPKS 2024, which was enacted last October, complements the legal protection regulations for victims of sexual violence, particularly within higher education institutions. This new regulation introduces significant changes and adopts new provisions in line with current legal developments. In addition to specifically regulating sexual violence, Permen PPKS 2024 also addresses other forms of violence, such as physical violence, psychological violence, bullying, discrimination, intolerance, and structural violence arising from policies that perpetuate violence.

In Article 12, sexual violence is regulated more comprehensively and broadly, not limited to the acts themselves but also encompassing power or gender imbalances, causing suffering, and depriving victims of the opportunity to pursue education or work. The forms of sexual violence have also been expanded, from the initial 20 forms to include sexual torture, sexual slavery, deliberate neglect of sexual violence, and other actions as stipulated by law.

This is a positive change, as Gordon notes that one of the main variables in the occurrence of sexual violence is the existence of power imbalances. The inclusion of provisions regarding the loss of educational opportunities aligns with research by Cecilia Mengo and Beverly M. Black, which revealed that student victims of sexual violence not only show significant declines in academic performance but also have a dropout rate exceeding 34.1% .

One of the breakthroughs in regulating types of violence within higher education is Article 14, which addresses policies containing violence or, in Johan Galtung's concept, structural violence, meaning violence embedded within social or institutional structures . This article emphasizes the commitment to and moral responsibility for formulating various policies, particularly those related to violence. This aligns with the provisions of Article 2(b), which similarly establishes a collective responsibility for all parties in higher education institutions to prevent and address violence.

In line with the UU TPKS, which focuses on victim-centered handling and recovery, Permen PPKS 2024 also prioritizes victims in its measures. This is stipulated in Article 4 paragraph 1(b), which states that the principle of handling and prevention is the best interest of the victim; Article 4 paragraph 1(i), which ensures that sexual violence does not recur for the victim; Article 4 paragraph 1(j), which guarantees the continuity of education for the victim; Article 57, which provides a maximum examination timeframe to promptly deliver justice for the victim; and Article 52, which details the rights of victims that can be facilitated from the outset .

The victim's rights facilities that can be provided from the outset to the victim or complainant in Article 52 include:

- a) Security facilities;
- b) Psychological assistance facilities;
- c) Recovery service abilities;
- d) Facilities to ensure the continuity of educational or employment rights; and
- e) Information regarding handling rights, risks, and mitigation plans.

Victims' rights are also regulated in Article 93, which include:

- a) Information on case handling;
- b) Protection from threats/violence;
- c) Protection against repeated violence;
- d) Protection of the confidentiality of case information;
- e) Access to educational services;
- f) Protection from job loss; and
- g) Assistance, protection, and/or recovery services as needed by victim.

The regulation of victims' rights has undergone substantial changes compared to the previous regulation. For example, in addition to keeping the victim's identity confidential, case information is also kept confidential, and support services are not limited to being provided by the task force; they can also come from the government, universities, and the community. There are also new rights added, such as protection from threats, protection against the potential recurrence of violence, and the right to educational services.

Not only should legal protection encompass preventive measures and victim recovery, but it must also regulate repressive measures and the imposition of sanctions on perpetrators, as outlined by Philipus M. Hadjon in his discussion on types of legal protection . In Permen PPKS 2024, the provisions regarding sanctions are stipulated in Article 73, which categorizes administrative sanctions into three levels: light, moderate, and severe. The imposition of sanctions differs depending on whether the offender is a lecturer, education staff, student, university partner, or university leader. The form and type of sanctions also vary based on the severity of the offense. For light violations, sanctions include written warnings or a written apology to the victim. For moderate violations, sanctions may involve demotion of academic rank or functional position, suspension of studies, or temporary termination of partnerships. For

severe violations, sanctions can include permanent dismissal, deactivation of the educator's unique identification number, or termination of partnerships.

The existence of Permen PPKS complements the legal framework for protecting victims of sexual violence in higher education, alongside UU TPKS. Both regulations share a common principle: that victims of sexual violence must be prioritized in handling and prevention efforts without reducing the severity of sanctions and penalties for perpetrators. The handling process must prioritize the interests of the victim, avoiding victim-blaming, and revictimization (secondary victimization). However, the presence of these two regulations does not signify a conclusive solution for addressing and preventing sexual violence. Challenges and issues in implementation remain evident. For instance, there is a need for standardized victim recovery processes requiring a holistic approach and guaranteed recovery mechanisms, as well as the absence of individualized victim approaches in the regulations, among other concerns.

Thus, the regulation of legal protection for victims of sexual violence, particularly in higher education, must continue to be refined in line with legal developments, the needs of victims, and national as well as international standards. One aspect that can serve as a foundation for formulating policies accommodating the needs of victims is the victimology approach.

How Victimology Explains Sexual Violence in Higher Education

Terminologically, victimology refers to the study of the causes behind why someone becomes a victim and the impacts of victimization, which is viewed as a problem and a social reality. The scope of victimology generally concerns how an individual can become a victim, based on victimization (the process of becoming a victim) and victimhood (the potential and vulnerability to become a victim). Muladi elaborates that the objectives of victimology are to analyze various aspects related to victims, provide explanations for the causes of victimization, and develop a system of actions to reduce the suffering of victims.

There are two well-known schools of victimology: penal victimology and general victimology. Penal victimology was pioneered by Von Hentig and Mendelsohn. Von Hentig viewed the victim as one of the participants in a crime, classifying them based on the type of their involvement. Similarly, Mendelsohn discussed the role of the victim in triggering a crime, such as through provocation. The concept referred to by both is precipitation.

General victimology, like penal victimology, was first explicitly described by Mendelsohn in one of his publications, where he introduced the term victimity. This field of study is not limited to victims of crime but also encompasses care, prevention, and the reduction of adverse consequences for victims. Unlike penal victimology, this approach does not analyze the origins of victimization. Its principle is that victims should not be blamed; instead, efforts should focus on assisting them. This approach later became known as assistance-oriented victimology.

Penal victimology, often referred to as classical victimology, while relatively popular, has faced significant criticism. The concept of victim precipitation can be exploited to blame the victim and reduce the perpetrator's responsibility. The idea that a victim's behavior triggers victimization by the offender is rooted in patriarchal thinking, which serves as the foundation for structural violence. For proponents of classical victimology, both the perpetrator and the victim are considered equally deserving of humanitarian attention. However, this perspective is not universally acceptable, particularly in cases involving crimes that occur within contexts of structural power inequality.

Ideally, understanding crime victims requires recognizing that they have been wronged and that their sense of justice has been shattered and must be restored. Victims should not only be provided with therapeutic assistance but also justice. In the context of sexual violence, victimology can be utilized not only to understand the victimization and victimhood of victims but also to explore the structural factors that enable sexual violence to occur.

The first aspect of understanding sexual violence through victimology is to analyze the relationship and interaction between the victim and the perpetrator. Pandjaitan outlines six categories of victims based on their relationship with the perpetrator, which are :

- 1) Nonparticipating victims, victims who reject the crime but are indifferent to efforts to counteract it;
- 2) Unrelated victims, victims who have no prior relationship with the perpetrator and only become involved at the time of the crime;
- 3) Latent or predisposed victims, individuals who are particularly vulnerable to becoming victims, such as women, children, and persons with disabilities;
- 4) Proactive victims, victims who directly provoke the occurrence of the crime;
- 5) Participating victims, victims who, consciously or unconsciously, facilitate their victimization;
- 6) False victims / self victimizing individuals who become victims of crimes as a result of their own actions.

In cases of sexual violence, victims are often classified as latent or predisposed victims. Women frequently become targets of sexual violence due to factors such as gender inequality, patriarchal norms, and gender stereotypes. According to United Nations Women, an estimated 1 in 3 women has experienced sexual violence at least once in their lifetime . Similarly, children are vulnerable, with research by Finkelhor indicating that 1 in 5 girls and 1 in 20 boys experience sexual violence before the age of 18 . Although women, children, and persons with disabilities are vulnerable victims, this does not mean that they are “destined” to become victims due to their perceived weaknesses. If not approached carefully, this perspective risks leading to victim labelling, which perpetuates stereotypes of weakness, helplessness, and passivity. At an institutional level, this can result in their exclusion from legal processes .

The second aspect is victimization. In modern victimology, sexual violence victimization results from the complex interaction of individual, social, structural, and systemic factors. Unlike penal victimology, which often employs a quantitative approach and overlooks the experiences of sexual violence victims as well as cultural, social, and structural factors , victimization in modern victimology, particularly in cases of sexual violence, must be understood within the broader context of power relations and patriarchal social structures. These structural issues not only contribute to the occurrence of sexual violence but also limit victims' ability to achieve justice .

The third aspect is victimhood. Victimhood refers to the potential vulnerability of individuals to becoming victims of crime due to the negative interaction between personal qualities and external factors. Based on its level of connection to crime, victimhood can manifest in two forms: victimhood eventual and victimhood decisional. Victimhood eventual refers to the likelihood of becoming a victim in certain circumstances, cases, or situations—for example, female students in higher education institutions that lack protection against sexual violence or are heavily influenced by patriarchal culture. Meanwhile, victimhood decisional involves the behavior or decisions of the victim that are exploited by the perpetrator of the violence.

The fourth aspect is revictimization or secondary victimization. In cases of sexual violence, this often occurs in the form of negative responses such as victim blaming, which makes victims feel ashamed and guilty . The psychological impact on victims can be severe and long-lasting. Furthermore, secondary victimization is one of the main reasons for the low reporting rates of sexual violence cases . If victims ultimately report sexual violence and pursue legal processes, insensitive procedures and responses toward their condition may persist. Adiningsih outlines the stages through which victims may experience revictimization after reporting their cases, as follows :

- 1) Pra--Trial : The victim suffers mentally, physically, and socially as they attempt to report the case while in a state of distress. For investigative purposes, the victim is required to

recount their traumatic experience, and they may also feel fear due to threats from the perpetrator.

- 2) During Trial : The victim is compelled to attend court to provide testimony. They must retell and reconstruct their trauma in the presence of the perpetrator.
- 3) Post Trial : The victim continues to face difficulties, especially if they do not receive any compensation or recovery support. Maintaining their physical and mental health becomes their sole responsibility. There is a significant risk of stigmatization from family, educational institutions, workplaces, and other social circles.

The potential vulnerability of victims, patriarchal social-structural conditions, power imbalances, and the revictimization experienced by female victims of sexual violence are shared concerns. This is not only an issue within higher education but also a national and international issue that requires serious commitment in its handling . In the Declaration of Basic Principles of Justice for Victims of Crime and Abuses of Power by the United Nations (UN), one of the recommendations in the resolution on sexual violence states that, in addition to being held accountable for their actions, perpetrators must also provide fair compensation to victims, their families, and/or dependents. Such compensation should include restitution for damages suffered, losses caused by victimization, the restoration of rights, and other necessary reparations .

The solution mentioned above is just one of many ideal solutions for victims of sexual violence. Another commonly employed approach is restorative justice. However, this restorative solution has faced criticism, including from Pavlich, who argued that this alternative forces victims to adopt the identity of an "ideal victim" . Fundamentally, solutions, handling, and protection for victims of sexual violence, particularly in higher education, must be victim-centered and take into account various aspects of victimology.

Victim-Centered Approach and Recovery for Victims of Sexual Violence in Higher-Education

Both classical and modern victimology consistently focus on victims. While they adopt different approaches to understanding victims and crimes, their objective remains the same: to pursue justice and prevent crime. Justice itself is defined from various perspectives. Although it is often associated with punishment in the practice of retributive justice, in cases of sexual violence, Haley Clark emphasizes that the concept of justice for victims of sexual violence is multi-layered and varies depending on numerous factors, including the circumstances of the violence, the victim's situation, and the victim's relationship (if any) with the perpetrator. However, victims seek justice to regain their power and to redress the harm they have suffered. Justice for victims cannot be applied uniformly. Punishment for perpetrators within the concept of retributive justice does not necessarily equate to being 'justice' for victims of sexual violence. Deborah Kelly interviewed 100 rape victims and found that although the victims were satisfied with the perpetrators' punishment, it had only a minimal impact on their level of satisfaction with the legal system . Therefore, the concept of justice for victims, particularly in cases of sexual violence, must be reconsidered and revised.

Promoting justice for victims of sexual violence begins by placing the victim at the center of the handling process. The United Nations, in one of its resolutions on sexual violence, recommends adopting a victim-centered approach . This concept, rooted in victimology, particularly modern victimology, prioritizes the rights and dignity of victims, including their well-being and safety, as the primary focus in efforts to prevent and address sexual violence . To implement this victim-centered approach, victimology must be utilized to investigate multi-sectoral issues, encompassing medical care, psychosocial services, security measures, sensitive victim responses, and judicial processes .

Using a victim-centered approach to achieve justice for victims of sexual violence involves adopting the concept of justice proposed by Clare McGlynn and Nicole Westmarland,

known as victim-centered justice. They describe this concept as kaleidoscopic justice, which stems from the view that justice as a process is not static; rather, it is dynamic, reflective, and multidimensional. The core principle of kaleidoscopic justice is the understanding that justice evolves based on the victim's experiences, social context, and the development of circumstances. Justice for victims is not limited to formal legal aspects but includes elements such as victim acknowledgment, restoration of dignity, the victim's voice, prevention, and social connectedness.

In the concept of victim-centered justice, justice for victims is considered achieved when they feel respected, heard, and their needs are met. The key elements of this justice are as follows :

1) Consequences

Victims of sexual violence must receive justice within the framework of retributive justice, encompassing both the recovery of the victim and the punishment of the perpetrator.

2) Recognition

The experiences of victims of sexual violence must be validated by the perpetrator, society, and the legal system, acknowledging their suffering as legitimate and significant.

3) Dignity

Victims must have their dignity respected throughout the justice process. They should not be humiliated or subjected to re-victimization.

4) Voice

Victims must be given the opportunity to share their experiences and perspectives on their needs and what justice means to them.

5) Prevention

Prevention is a key component of justice for sexual violence. This includes enacting social and structural changes to reduce and prevent sexual violence in the future.

6) Connectedness

Beyond recovery, being heard, and being respected, victims should also be able to reconnect with their community and rebuild their social relationships.

The recovery of sexual violence victims, particularly in higher education institutions, is regulated under the Permen PPKS 2024, where Article 52 provides recovery facilities for victims, including security, assistance, continuity, and other forms of support. In addition to the recovery facilities outlined in the Permen PPKS, the UU TPKS also regulates the recovery of sexual violence victims, granting them the right to restitution. Restitution refers to compensation imposed on the perpetrator to cover various types of losses suffered by the victim. UU TPKS regulates the forms of restitution, which include compensation for loss of wealth, compensation for direct suffering, compensation for medical/psychological treatment costs, and/or compensation for other losses experienced by the victim due to sexual violence.

Although restitution is regulated in the TPKS Law for victims of sexual violence, a significant issue arises when the perpetrator is unable or unwilling to pay the restitution. What happens to the victim's rights in such cases? Does this mean that after enduring a lengthy justice process and receiving a court decision granting restitution, the victim ultimately cannot receive it? Janet Wilson, in *The Praeger Handbook of Victimology*, addresses this issue through the concept of creative restitution. Creative restitution is an approach aimed at helping perpetrators repair the harm they have caused through alternative solutions.

One example of creative restitution is the financial compensation practice in Sweden for victims of sexual violence, known as skadestånd. Victims of sexual violence in Sweden have three pathways to obtain compensation. First, compensation can be awarded directly from the perpetrator through a court ruling. Second, if the court denies this, victims can file a claim with their personal insurance. Third, victims can apply for compensation from the state through the Swedish Crime Victim Compensation and Support Authority (Brottsoffermyndigheten), which provides financial support if the perpetrator is unknown or unable to fully pay the

restitution . This approach addresses the gap when perpetrators cannot afford to pay restitution. Victims of sexual violence can still receive financial compensation to cover their losses and support their recovery. Additionally, even though the state compensates the victim, the perpetrator remains obligated to repay the restitution amount to the state over time .

The concept of creative restitution described above can be specifically adopted for cases of sexual violence. Beyond ensuring that victims receive the compensation they are entitled to, this concept also eliminates further interaction between the perpetrator and the victim, thereby reducing the risk of re-victimization. In addition to minimizing interactions between the perpetrator and the victim, efforts to prevent victimization within a victim-centered approach can also incorporate and apply trauma-informed care . Trauma-informed care (TIC) is an approach that recognizes the impact of trauma on victims and emphasizes the importance of creating a safe environment during legal processes. The key elements of this approach include understanding that the trauma of sexual violence can influence how victims respond to questions, provide information, and participate in legal proceedings .

Trauma-informed care can be applied at every stage of the legal process, particularly during the investigation phase. Officers must demonstrate sensitivity towards victims, including their manner of questioning, tone of voice, and body language, to ensure that victims do not experience re-victimization. Karra Brooks, in her dissertation *Increasing Support for Victims of Sexual Assault Through the Adoption of a Victim-Centered Approach to Police Investigations*, proposes strategies for adopting trauma-informed care. First, this involves reforming policies and protocols for handling sexual violence, such as establishing minimum standards for handling cases, creating investigation guidelines, and ensuring safe and confidential reporting procedures. Second, it requires specialized training for officers handling sexual violence cases and conducting regular evaluations of their performance.

Satgas PPKS has demonstrated a progressive step as a specialized body in addressing and preventing sexual violence in higher education institutions, guided by the fundamental principle stated in Article 4, Paragraph 1(b) of the Permen PPKS 2024, which prioritizes the best interests of victims. However, to ensure that victim protection is truly maximized, further strengthening of the policy framework and its implementation is necessary. This includes integrating creative restitution to guarantee victims' rights even when perpetrators are unable to pay, providing specialized training in trauma-informed care for Satgas PPKS members, and conducting regular evaluations to assess the effectiveness of the policies and procedures in place. By adopting a more holistic victim-centered approach, higher education institutions can create an environment that is not only free from sexual violence but also fosters comprehensive recovery and empowerment for victims.

CONCLUSION

Legal protection for victims of sexual violence in higher education institutions must be approached through the framework of modern victimology, which emphasizes a deep understanding of victimization, victimhood, and the specific needs of victims. This approach has been accommodated by the UU TPKS and Permen PPKS 2024, which provide a legal foundation for handling, protecting, and rehabilitating victims based on the principle of prioritizing their best interests. However, challenges such as re-victimization during legal processes and the lack of responsive compensation mechanisms remain significant barriers to achieving comprehensive justice.

By integrating the concepts of modern victimology, solutions such as creative restitution and trauma-informed care can serve as concrete steps to enhance victim protection and recovery. This approach places victims at the center of the legal process, ensuring their trauma is acknowledged and their needs are addressed. Strengthening victimology-based policies, implementing trauma-informed training for Satgas PPKS members, and conducting continuous

evaluations are critical steps toward creating a system that genuinely prioritizes justice for victims while also preventing sexual violence in the future.

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