

Inequality of Power and Gender Relations in Cases of Sexual Violence on Campus: a Study of Legal Philosophy

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Abstract

Sexual violence can occur anywhere and anytime, including in education, especially in universities. Harassment by lecturers to students and senior students to junior students is the case that happens frequently. Several cases prove an unequal relationship between the perpetrator and the victim. This research aims to change people's thinking about the use of power and prove the existence of power and gender equality in sexual violence on campus. The research method used is the philosophy of law research through a paradigmatic study approach by examining the critical theory et al. paradigm and the feminist jurisprudence with the specification of analytical descriptive research, secondary data types, and qualitative data analysis methods. Thus, it was found that sexual violence on campus was influenced by inequality between people in power and gender due to the influence of the patriarchal system and the imbalance of historical structures that led to the arbitrariness of the perpetrators.

Keywords:

Campus; Gender; Power;
Sexual Violence.

A. INTRODUCTION

Sexual violence is an act that refers to sexual matters with unilateral treatment and is not expected by the victim, who is the target.¹ This action often causes negative responses in victims, such as psychological disorders, irritability, trauma, and even suicide.² Sexual violence

can occur anywhere, private and public, and can be committed by anyone, from strangers to even the closest people. So that sexual violence becomes one of the criminal acts that are difficult to prevent because the action occurs between the perpetrator and the victim, and the place is unexpected (nomadic).³

¹ Abdul Wahid and Muhammad Irfan, *Perlindungan Terhadap Korban Kekerasan Seksual* (Bandung: Refika Aditama, 2001), p. 25-26.

² Yulianti Ningsih Cahyani, Alfa Galih Verdiantoro, and Febriyanti Uma, "Perlindungan Hukum Bagi Korban Tindak Kekerasan Seksual Kaum Tunarungu dalam Prespektif Hukum Pidana," *Mimbar Keadilan* 13, No. 2 (2020): 218-228, <https://doi.org/10.30996/mk.v13i2.3941>, p. 219.

³ Utami Zahirah Noviani P. et al., "Mengatasi Dan Mencegah Tindak Kekerasan Seksual Pada Perempuan Dengan Pelatihan Asertif," *Prosiding Penelitian dan Pengabdian kepada Masyarakat* 5, No. 1 (2018): 48-55, <https://doi.org/10.24198/jppm.v5i1.16035>, p. 49.

Sexual violence is related to places and times that are difficult to predict and constantly moving. Sexual violence often occurs in the world of education, one of which is the campus.⁴ Sexual violence on campus is increasingly becoming a public concern, including cases of sexual harassment between the relationship between someone's power and those under them. Like a lecturer who abuses his students because he feels he has a position and power or a senior who commits harassment of new students instead of himself carrying out respect activities.⁵

Cases of sexual violence on campus are a long line. The National Commission on Women stated that sexual violence on campus in the last five years totalled 35 cases.⁶ Regarding several existing cases, the government has tried to accommodate legal certainty by passing the *lex generalis* in the form of Law Number 12 of 2022 concerning Crimes of Sexual Violence and the *lex specialist* in the form of Regulation of the Minister of Education, Culture, Research

and Technology Number 30 of 2021 concerning Prevention and Handling Sexual Violence in Higher Education Environment. However, the reality of sexual violence on campus that is starting to unfold is like an iceberg phenomenon or much more than meets the eye.

Other data submitted by the National Commission on Women states that only 10 percent of victims report to service agencies, and another 10 percent tell the events they experienced to those closest to them. In comparison, 80 percent of victims of sexual violence prefer to remain silent.⁷ When examined further, related regulations cannot guarantee that cases of sexual violence can be minimized because the nature of the two regulations is only a form of repressive protection.

The National Commission for Women commissioner, Alimatul Qibtiyah, explained that the lack of reporting of sexual violence on campus was caused by the lack of certainty that the perpetrators would not repeat their actions because there was no clear and

⁴ Ulfah Fajarini and Nurul Handayani, "Human Geografi dan Pelecehan Seksual Terhadap Perempuan di Perguruan Tinggi Keagamaan Islam Negeri," *Jurnal Harkat: Media Komunikasi Gender* 17, No. 1 (2021): 49-66, <https://doi.org/10.15408/harkat.v17i1.22135>, p. 50.

⁵ *Ibid.*, p. 51.

⁶ Anugrah Andriansyah, "Komnas Perempuan: Kasus Kekerasan Seksual di Lingkungan Pendidikan, Paling Tinggi di Universitas," VOA Indonesia, 2022, <https://www.voaindonesia.com/a/komnas-perempuan-kasus-kekerasan-seksual-di-lingkungan-pendidikan-paling-tinggi-di-universitas/6525659>, accessed 22 Mei 2022.

⁷ Anugrah Andriansyah, "Marak Kasus Pelecehan Seksual di Kampus, Komnas Perempuan: Fenomena Gunung Es," VOA Indonesia, 2021, <https://www.voaindonesia.com/a/marak-kasus-dugaan-pelecehan-seksual-di-kampus-komnas-perempuan-fenomena-gunung-es/635>, accessed 22 Mei 2022.

definite campus policy. There was no guarantee of recovery from the trauma felt by the victim. Another reason victims choose to remain silent is due to the power relations the perpetrators have toward their victims. For example, the perpetrators come from unscrupulous lecturers to seniors on campus. Ironically, nowadays, there are many cases where the victims are reported back under the defamation article. If this condition continues, the victim will not dare to report it.⁸

Sexual violence on campus, which female students mainly experience, is generally related to gender-based violence.⁹ Fakhri explained that violence against one particular sex was caused by a gender bias known as gender-related violence. The inequality of power and strength in society causes gender violence.¹⁰

In line with this, Johan Galtung also explained that violence in any form must involve two unequal relations because violence begins because of power relations in human relations.¹¹ When the position of the victim of sexual violence, in this case, a female student

and the perpetrator, who is usually a lecturer or senior student, are in an unequal relationship, this relationship is prone to violence. For example, power relations can occur when a supervisor gives direction to a student's thesis. It can be said that the conflict of power relations is vertical and becomes one unit of parties that need each other or cannot be separated.

So far, the concept of vertical power relations has been believed to be natural and confirmed by society's culture. The phenomenon of sexual violence is the result of a patriarchal cultural process.¹² In sexual violence on campus, power relations occur when the victim, as a student, is required to respect, submit, obey, and accept all the will of the lecturer or senior who has more power over him. This inequality gives birth to the position of a lecturer or senior with excellent control over female students who are victims of sexual violence. How could a female student dare to fight while the lecturer or senior would determine the student's fate, for example determining grades, passing, or other controls?

⁸ *Ibid.*, p. 8.

⁹ Ani Purwati, *Kekerasan Berbasis Gender* (Yogyakarta: Bildung Nusantara, 2020), p. 27.

¹⁰ Fakhri in Putri Tamita Islami and Khairulyadi, "Kekerasan dalam Rumah Tangga Oleh Suami Terhadap Istri Menurut Perspektif Relasi Gender," *Jurnal Ilmiah Mahasiswa Fisip Unsyiah 2*, No. 2 (2017): 985-1010, p. 987.

¹¹ Johan Galtung in *ibid.*

¹² Sonza Rahmanirwana Fushshilat and Nurliana Cipta Apsari, "Sistem Sosial Patriarki Sebagai Akar dari Kekerasan Seksual Terhadap Perempuan Patriarchal Social System As the Root of Sexual Violence Against Women," *Prosiding Penelitian dan Pengabdian kepada Masyarakat 7*, No. 1 (2020): 121-127, <https://doi.org/10.24198/jppm.v7i1.27455>, p. 125.

Based on this description, it would be fascinating if an in-depth study is carried out regarding the imbalance of power and gender relations in cases of sexual violence on campus. Especially if, in this case, the method used is the study of legal philosophy through its paradigmatic studies. So that it will look more comprehensive if an assessment is also carried out through the paradigm of critical theory et al. and the views of feminist jurisprudence regarding the relationship between sexual violence that occurred on campus. The study of legal philosophy with its paradigmatic studies will be able to disentangle the practical themes of this research more subtly. This means that the nuances or gradations of differences of opinion in these practical themes can be sensed and traced down to the level of ontology, epistemology, and methodology by placing all these issues in the context of legal philosophy, especially paradigmatic studies.

Similar research has been conducted in an article entitled "Criminological Review Concerning Inequality of Power Relations and Gender Relations in Cases of Sexual Violence," which comprehensively reviews the discussion of inequality of power and gender relations from a criminological perspective. The results found in this study explain that sexual violence is

an action that more powerful people often carry out. This action needs to be accommodated through law through rules and institutions.¹³ Meanwhile, this research has a novelty which is also used as a goal, namely to look at the reality of inequality in power and gender relations in cases of sexual violence on campus and to deepen the view of the study of legal philosophy in unravelling the understanding of inequality of power and gender relations in cases of sexual violence on campus. So it looks attractive if the problem of sexual violence can be examined through a paradigmatic study.

B. RESEARCH METHODS

The research specifications used in this study are analytical descriptive. This study uses the type of legal philosophy research in a qualitative study. The researcher uses the sociolegal studies approach, which views law contextually concerning history, culture, society, and other disciplines. Based on the understanding of the Guba and Lincoln paradigms, in this paper, the critical theory et al. is the 'analytical knife.' Paradigm critical theory et al. is a paradigm that criticizes the establishment of normative positivistic legal reality. Methodologically, this paradigm uses dialogic/dialectical to understand

¹³ Nanci Yosepin Simbolon *et al.*, "Tinjauan Kriminologi Mengenai Ketimpangan Relasi Kuasa dan Relasi Gender dalam Kasus Kekerasan Seksual," *Jurnal Pengabdian Kepada Masyarakat Maju UDA* 3, No. 3 (2022): 1-10, p. 9.

reality interactively and dialogues the subjectivity of researchers on the reality under study, intending to transform ignorance and misunderstanding into awareness that historical structures can be changed and, therefore real action is needed, one of which is through study. Furthermore, this study uses secondary data sources with data collection methods through literature searches or literature studies. Research data were obtained from scientific journal articles, books, and previous research results. The method of analysis and interpretation of data used is typical of critical theory et al. which has a transactional/subjectivity epistemology that can be seen in the entire study conducted in this writing. Methods of data analysis are carried out in the tradition of qualitative research.

C. RESULTS AND DISCUSSION

1. Inequality of Power and Gender Relations in Cases of Sexual Violence in Current Campuses

Reports about sexual violence often appear in the mass media, especially sexual violence that occurs on campus,

which has increasingly become the main focus in recent years. Based on data from the Directorate General of Higher Education, the Ministry of Education and Culture shows that around 77 percent of sexual violence occurs on campus.¹⁴ In line with this, sexual violence on campus often occurs due to imbalances in power relations, gender relations, and the rape culture commonly experienced by female students.¹⁵

In the Big Indonesian Dictionary, power is the authority over something that exists in a person because of his position. Those in authority often abuse power. He sees that power over him can be used as an opportunity. Meanwhile, UNESCO states that gender is a social and cultural construction emphasizing the relationship between men and women. Systematically women have a position below men. Women, in this case, are placed in stereotypes of patriarchal culture so that women are always considered to obey, obey and respect men. That is, in terms of power, men lead and have an absolute position to rule.¹⁶

In line with the above, the roots of sexual violence caused by the imbalance

¹⁴ Aprillio Akbar, "Survei Nadiem: 77 Persen Dosen Akui Ada Kekerasan Seksual di Kampus," CNN Indonesia, 2021, <https://www.cnnindonesia.com/nasional/20211111093436-20-719583/survei-nadiem-77-persen-dosen-akui-ada-kekerasan-seksual-di-kampus>, accessed 16 Mei 2022.

¹⁵ Nikmatullah, "Demi Nama Baik Kampus VS Perlindungan Korban: Kasus Kekerasan Seksual di Kampus," *Qawwam: Journal for Gender Mainstreaming* 14, No. 2 (2020): 37-53, <https://doi.org/10.20414/qawwam.v14i2.2875>, p. 43.

¹⁶ Berlian Ilham, "Karakter Laki-Laki dalam Program Televisi (Analisis Resepsi Peran Pria Sebagai Pekerja Rumah Tangga dalam Program Sitkom Dunia Terbalik di RCTI)," *Komuniti: Jurnal Komunikasi dan Teknologi Informasi* 11, No. 1 (2019): 58-72, <https://doi.org/10.23917/komuniti.v10i3.5945>, p. 59.

of power and gender relations stem from the stereotyped view of a woman. Women are often seen as the second sex, where women's bodies are considered objects and deserve to be harassed.¹⁷ This is known as gender bias; namely, women are positioned to be weak and submissive and must accept all forms of unfair behaviour so that women experience sexual violence more often.¹⁸

Without realizing it, power and gender have a relationship that can lead to inequality. This inequality can be seen in the world of campuses, where a lecturer has power over his students, such as conducting learning, mentoring, and escorting. The role of lecturers on campus places them in positions of power and authority that can control students. Lecturers can easily abuse and take advantage of their power to commit acts of sexual violence against their students.¹⁹

Based on data from the Indonesia Judicial Research Society in a study conducted in 2021, students who are victims of sexual violence will prefer to remain silent because 33.5% feel afraid, 29% feel ashamed, and 23.5% do not know where to report. And 18.5% feel guilty,²⁰ So that the perpetrator will not quickly stop doing his evil deeds because the perpetrator thinks that his actions do not harm the victim.²¹ This is a supporting factor for the birth of inequality in power and gender relations in cases of sexual violence on campus.

In line with this, the Commissioner of the National Commission for Women, Siti Aminah Tardi, stated that in 2015-2021 67 cases of sexual violence occurred in the education sector, 35 of which occurred on campuses.²² Based on these data, several cases in the campus environment include the following:

¹⁷ Fiqih Aisyatul Farokhah, Sri Kusumo Habsari, and Mugijatna, "Marginalisasi Seksualitas Perempuan pada Novel Curahan Hati Sang SPG Karya Wena Koiman dan The Curse of Beauty Karya Indah Hanaco (Perspektif Islam)," *Musawa: Jurnal Studi Gender dan Islam* 17, No. 2 (2018): 183-200, p. 183.

¹⁸ Yuni Sulistyowati, "Kesetaraan Gender dalam Lingkup Pendidikan dan Tata Sosial," *IJouGS: Indonesian Journal of Gender Studies* 1, No. 2 (2020): 1-14, <https://doi.org/10.21154/ijougs.v1i2.2317>, p. 11.

¹⁹ Nur Afni Khafsoh and Suhairi, "Pemahaman Mahasiswa Terhadap Bentuk, Proses, dan Pandangan Penanganan Kekerasan Seksual di Kampus," *Marwah: Jurnal Perempuan, Agama dan Jender* 20, No. 1 (2021): 61-75, <https://doi.org/10.24014/Marwah.v20i1.10487>, p. 63.

²⁰ Admin IJRS, "Mengapa Korban Kekerasan Seksual Enggan Melapor?," Indonesia Judicial Research Society, 2021, <http://ijrs.or.id/mengapa-korban-kekerasan-seksual-enggan-melapor/>, accessed 30 Mei 2022.

²¹ Utami Zahirah Noviani P. *et al.*, *op.cit.*, p. 51.

²² Anugrah Andriansyah, *op.cit.*

Table 1
Cases of Sexual Violence in the Campus Environment

Universities	Position Case
Universitas Riau (Unri)	In early November 2021, the Instagram account belonging to the International Relations Student Corps uploaded a video containing female students' confessions that the Dean of the Faculty of Social and Political Sciences harassed. During thesis guidance, the perpetrator allegedly was forced to kiss the victim's cheek and forehead. He even asked to kiss her on the lips, but the victim resisted. The perpetrator has now been named as a suspect.
Universitas Sriwijaya (Unsri)	Lecturers at the Faculty of Teaching and Education allegedly harassed several female students. This case began with an anonymous complaint by a female student on the Instagram social media Unslifess on September 26, 2021. After obtaining the student's identity, the Student Executive Board facilitated assistance, and the dean of the faculty responded. Then the Student Executive Board received two new reports of cases of alleged harassment of female students from different faculties, but with the same perpetrator, on November 6, 2021.
Universitas Brawijaya (UB)	In January 2020, NW reported a case of sexual harassment that she experienced in 2017 to the Functionary of the Faculty of Cultural Sciences. The perpetrator of the sexual harassment reported by NW was his senior, a student of the English Study Program, Faculty of Cultural Studies, with the initials RAW. The campus stated that it had followed up on the report by forming an Ethics Commission. It has also given sanctions to the perpetrators because they were proven guilty. Meanwhile, the campus assists in counselling according to applicable regulations for NW.
Universitas Negeri Jakarta (UNJ)	A lecturer (DA) is suspected of committing sexual harassment by sending seduction chats or sexting several female students. Some evidence regarding the lecturer's dirty chat with students was spread through the Instagram account @areajulid after a victim forwarded a screenshot of his conversation with the lecturer on social media. In this screenshot, DA says "I Love U" to a female student who asks for thesis guidance. The lecturer even openly asked his victims to marry him. For other female students, DA even forced them to come to the victim's house.
Universitas Negeri Yogyakarta (UNY)	Cases of sexual violence returned to female students from the class of 2019. It is suspected that the perpetrator was one of the seniors in the Student Activity Unit of the Sangkala Faculty, Faculty of Languages and Arts. It started with the victim asking the perpetrator to take her home after a meeting. However, the perpetrators did not want to accompany them on the pretext of being embarrassed by some of the present alums, so they chose to watch a film together. Not long after, the perpetrators began to dare to do the action. From holding the head, ears, and back until finally, the perpetrator touched the sensitive parts of the victim's body. The victim was traumatized and scared after the incident. Finally, the victim dared to report this case to the rectorate.

Universitas Negeri Mataram (Unram)	On June 24, 2020, an unscrupulous thesis supervisor at the Faculty of Law committed sexual harassment against a student under his guidance (Y). The incident began when Y was about to consult a thesis in a room at the Faculty of Law. During the consultation process, NIN embraced and sat close (next to each other) with Y. Y did not react because she was afraid. NIN did this because he felt he had power over the student he was mentoring. For his actions, the code of ethics assembly punished NIN with a five-year suspension and not allowed to teach.
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Source: Series of Cases of Alleged Sexual Harassment on Campus, Tempo.Co (2021)²³

The cases presented above prove that the number of cases that occur on campus is based on an imbalance in the form of relations between power and gender.²⁴ Broadly speaking, the party that acts as the actor is someone who has power or strength in his social environment, such as the chancellor, dean, lecturer, and senior. Meanwhile, those who act as victims themselves have a direct relationship and interest in the perpetrators, such as female students who are conducting guidance or carrying out administrative activities on campus.²⁵

The relationship and interest of the victim to the perpetrator usually occur when the two of them are involved in

an activity or academic need. This can trigger perpetrators who have the power to act arbitrarily against victims who still depend on them. Power can make a person feel fully entitled to exercise hegemony over others who, according to him, are lower and powerless to benefit from him.²⁶ With power, someone can carry out threatening actions. If the victim does not do something that is ordered, then the interests/requests of the victim will not be granted.

Based on the explanation above, the main reason for the low reporting of acts of sexual violence is the existence of power relations between lecturers and students on campus.²⁷ Phenomena

²³ Friski Riana and Amirullah, "Deretan Kasus Dugaan Pelecehan Seksual di Kampus," Tempo.co, 2021, <https://nasional.tempo.co/read/1537859/deretan-kasus-dugaan-pelecehan-seksual-di-kampus>, accessed 15 Mei 2022.

²⁴ Muhammad Rifa'at and Adiakarti Farid, "Kekerasan terhadap Perempuan dalam Ketimpangan Relasi Kuasa: Studi Kasus di Rifka Annisa Women's Crisis Center," *SAWWA: Jurnal Studi Gender* 14, No. 2 (2019): 175-90, <https://doi.org/10.21580/sa.v14i2.4062>, p. 179.

²⁵ Aulia Virgistasari and Anang Dony Irawan, "Pelecehan Seksual Terhadap Korban Ditinjau dari Permendikbud Nomor 30 Tahun 2021," *Media of Law and Sharia* 3, No. 2 (2022): 107-123, <https://doi.org/10.18196/mls.v3i2.14336>, p. 118.

²⁶ Tomy Saladin, "Tinjauan Yuridis Hukum Korban Kekerasan Seksual Berbasis Nilai Keadilan," *Mahkamah: Jurnal Kajian Hukum Islam* 5, No. 2 (2020): 270-285, <https://doi.org/10.24235/mahkamah.v5i2.7284>, p. 274.

²⁷ Tantimin, "Victim Blaming Pada Korban Kekerasan Domestik di Masa Pandemi Covid-19: Perspektif Viktimologi," *Gorontalo Law Review* 2, No. 2 (2019): 277-289, <https://jurnal.unigo.ac.id/index.php/golrev/article/download/1785/863>, p. 287.

like this are not something to be taken lightly. An authority on campus, such as the chancellor, dean, lecturer, and senior, should be able to become a face on solutions to address acts of sexual violence. Against this, acts of violence committed based on someone's power may have direct implications for the influence of gender. This makes the author believe that further analysis is needed regarding what underlies the occurrence of deviations from power and gender relations so that an analysis is needed in the following discussion through a study of the paradigm and flow of feminist jurisprudence, which is a breakthrough flow towards the application of laws against women and discrimination that women get from the law.²⁸

2. Study of Legal Philosophy in Parsing Understanding of Inequalities in Power and Gender Relations in Cases of Sexual Violence on Campus

- a. Critical Theory Paradigm Study *et al.*
Before further analyzing this study, an understanding of the paradigm as a tool in legal philosophy must be explained.

The paradigm is integral and cannot be separated from legal philosophy. In legal philosophy, the position of paradigm is a framework or thought that can be applied to define and describe a pattern of scientific activity.²⁹

According to Denzin and Lincoln, a paradigm is a central philosophical system, parent, or 'umbrella' which is formed from an arrangement of ontology, epistemology, and methodology, each of which consists of a basic 'set' of beliefs or worldviews that cannot be exchanged with one another.³⁰ Furthermore, Guba and Lincoln analyze this understanding in more depth, proposing a typology that includes four forms of paradigm, namely positivism, post-positivism; critical theory *et al.*; and constructivism.³¹ The forms, characteristics, and characteristics of each of these four paradigms are sparked through the implementation of 3 (three) 'fundamental questions', namely ontology, epistemology, and methodology.

²⁸ Aditya Yuli Sulistyawan, "Feminist Legal Theory Dalam Telaah Paradigma: Suatu Pemetaan Filsafat Hukum," *Masalah-Masalah Hukum* 47, No. 1 (2018): 56-62, <https://doi.org/10.14710/mmh.47.1.2018.56-62>, p. 56.

²⁹ Erlyn Indarti, *Diskresi dan Paradigma: Suatu Telaah Filsafat Hukum* (Semarang: Badan Penerbit Universitas Diponegoro, 2010), p. 14.

³⁰ Denzin and Lincoln in *ibid.*, p. 16.

³¹ Guba dan Lincoln in *ibid.*

Table 2
Ontology, Epistemology, and Methodology

Question	Required answer
Ontology	Form and nature of reality from a paradigm;
Epistemology	The nature of the relationship or relationship between individuals and community groups with the environment from a paradigm;
Methodology	The way how individuals or groups of people get answers to what they want to know from a paradigm.

Source: Erlyn Indarti, *Discretion and Paradigm: A Study of Legal Philosophy* (2010)

In this regard, sexual violence, especially on campuses, is a pattern of scientific activity that can be examined through paradigm studies. In this case, the author is of the view that sexual violence on campus, which involves an imbalance between power relations and gender, is an activity that is closely related to gender. One of the paradigms that promote gender linkages with its application is the paradigm of critical theory et al., later, this paradigm can work as a function in reviewing the philosophical meaning of the case.

Paradigm critical theory et al. is a form of paradigm that functions and has a critical review focus on pseudo-establishment, which aims to transform social, cultural, economic, ethnic, and gender structures that limit and exploit society.³² This paradigm is a historical

structural sequence to a phenomenon that is mistrusted by ignorance and misunderstanding, which a legal insight-rich in information has replaced through critical dialectical interactions.³³

Viewed from the ontological side, the critical theory paradigm et al. discusses historical realism, namely a virtual realism formed from social, political, cultural, economic, ethnic, and gender factors. Then in terms of epistemology, the knowledge studied from this paradigm is subjective because it purely comes from researchers and objects studied interactively. Meanwhile, from a methodological point of view, the solution or study of problems raised from this paradigm uses a dialectical concept involving the researcher with the object being investigated.

³² *Ibid.*, p. 29.

³³ Bagas Heradhyaksa and Rizqon Halal Syah Aji, "Paradigma Critical Theory et al: Tinjauan Terhadap Perda Jawa Timur Nomor 6 Tahun 2014 tentang Pengendalian, Pengawasan, dan Peredaran Minuman Beralkohol," *Mizan: Journal of Islamic Law* 4, No. 1 (2020): 47-58, <https://doi.org/10.32507/mizan.v4i1.602>, p. 49.

Paradigm critical theory et al. This will be used to examine cases of sexual violence on campus, especially those involving imbalances in power and gender relations. First, ontologically, reality says that the imbalance of power and gender relations influences sexual violence on campus. This inequality stems from a historical structure between women and men and other factors supporting the emergence of differences. The structure in question is an unequal relationship indicating a difference in power. This is caused by more power relations than other parties, namely the perpetrators and victims. In addition, historical realism in critical theory et al. is also influenced by social factors where there is an imbalance in the relationship between the perpetrator and the victim. In these conditions, the perpetrator feels that he has a higher social position than the victim, so he thinks that he has the power to do anything to the victim, even if it endangers the victim.

Inequality regarding gender has a considerable influence on sexual violence. Men consider that women are weak creatures and do not have any right to refuse. This is influenced by the existence of a patriarchal system that lives in the culture of Indonesian society. Thus, men have a more dominant role than women. Therefore, women victims of sexual violence will always be blamed for their position. Sexual violence that occurs on campus is a prominent warning in terms of power and gender relations. Cases of sexual violence

perpetrated by lecturers, seniors, or even campus officials against female students are evidence of the imbalance of power and gender relations on campus.

Second, epistemological questions emphasize the position of the subject and object in the problem. The subject's position is occupied by the author, while real problems experienced by female students occupy the object. The author realizes that the power imbalance and gender relations on campus have influenced the object under study. The power possessed moves the perpetrator to commit sexual violence on the victim. The power that should be an honour for the perpetrator encourages the perpetrator to do nasty things to the victim.

Paradigm critical theory et al. try to break the existing reality to provide justice for the weak, such as women as victims. Inequality in power and gender relations on campus is a significant factor in the existence of sexual violence. Men who have power will increasingly think that they are kings. A king deserves to be respected, fulfilled all his desires, and be feared. Meanwhile, women are only considered as the fulfilment of all their desires, even their desires. This statement should not be justified in light of several cases that occurred on campus. Most victims were afraid to report this because the perpetrators had power over this matter, so they chose to remain silent about their cases. In addition, many campuses also ask and force victims not to tell anyone about their cases for fear

of tarnishing the good name of their campus.³⁴

A critical theorist wants justice for victims, namely women who experience sexual violence on campus. Victims on their campuses sorely miss a sense of comfort and justice. Women will never feel safe wherever they are if inequality of power and gender relations persists. It is sad that the campus, which should be a second home full of human values and civility, became the starting point for disaster. Adherents of the critical theory paradigm et al. want partiality and justice that can be implemented in order to answer the concerns felt by victims.

Third, the answer from the methodology is that an unequal historical structure has influenced sexual violence on campus so far. Power and gender have created inequality that has crystallized and is considered normal, even though this inequality cannot continue. Nevertheless, women will always be below men if patriarchal culture is still a supporting factor for the birth of power and gender inequality. In the campus realm, it is no secret that the position of lecturers is generally very superior, while the position of students in relations

is subordinate. On this matter, it is also supported by the right and power of a lecturer to determine student graduation and grades, which does not rule out the possibility of committing acts of sexual violence against students. Lecturers can easily take this opportunity by deceiving students with seduction and attention, like parents, to cover up their sexual goals.

Thus, it can be concluded that sexual violence on campus is generally caused by an imbalance of power and gender relations and the influence of historical structures that must be changed, and real action is needed. Activists must take real action to make women victims aware, have the courage to report, demand their rights, and voice justice for them. Justice must continue to be pursued through actions to dismantle power relations that have perpetuated sexual violence on campus.

b. Review Feminist Jurisprudence

Historically, the feminist jurisprudence school was born in 1970, accompanied by the development of critical legal study, which is now often known as critical theory et al.³⁵ Feminist

³⁴ Ana Yunita Pratiwi, "Manajemen Konflik Kasus Kekerasan Seksual di Universitas Islam Negeri (UIN) Raden Intan Lampung (Study Analisis Wacana Kritis Van Dijk pada Pemberitaan Media Online Lokal)," *Tesis pada Program Magister Ilmu Manajemen Pendidikan Islam Program Pasca Sarjana (PPs)* (Lampung: Universitas Islam Negeri Raden Intan, 2020), p. 18.

³⁵ Mesraini, Indra Rahmatullah, and Abdul Alim Mahmud, "Teori Hukum Feminisme dan Kaidah Fikih dalam Perkara Dispensasi Kawin (Studi Penetapan Hakim Nomor 10/Pdt. P/2017/PA.Bjn)," *Palastren Jurnal Studi Gender* 13, No. 1 (2020): 139–162, p. 148.

jurisprudence was born from a concept of thought originating from feminists, a movement of a group of people, especially women, who believe and view that women are subjects whose justice is oppressed because of their gender and strength.³⁶ This flow is meaningful in breaking down the inequality caused by law as a form of justice for all, neutral, objective, and equal to anything, including men and women.³⁷

Furthermore, if examined more deeply, the position of feminist jurisprudence is a form part that is inseparable from the paradigm of critical theory et al. The relationship between the two is that they both place positions to break into legal inequality and discrimination in an objective reality.³⁸ Discrimination, in this case, is the alignment of power equality between men and women. In reality, men have the right to act arbitrarily against women because they are considered more robust. This kind of reality cannot be justified in the order of life, considering that women deserve equality and respect from men.

In line with this reality, the problem of power relations inequality can be involved with gender inequality as well. Men, considered more robust and powerful, are free to do anything to

women, such as the problem of sexual violence that occurs between educators and seniors and female students on campus.³⁹ Educators, played by lecturers, supervisors, deans, and rectors, certainly have power in a student's education. In this case, students as a weak party will always need the critical role of educators in the continuity of their education, including female students.

Regarding this problem, the feminist jurisprudence school tries to dismantle the imbalance of power and gender relations. The cases and experiences of female students described in the previous discussion prove that this inequality is something other than what deserves to be maintained continuously. Both women and students on campus should not have to obey what the lecturer says, so graduation can be made more accessible. However, female students should have the courage to reject, report, and voice their rights to create justice on campus.

The position of gender relations and power in feminist jurisprudence must be equal. Inequalities in gender and power relations must be dismantled through efforts to make women and those at the bottom position aware in power relations that empowerment is a critical word that must be fought for towards

³⁶ Sulistyowati Irianto, *Perempuan dan Hukum: Menuju Hukum yang Berperspektif Kesenjangan dan Keadilan* (Jakarta: Obor Indonesia, 2006), p. 43.

³⁷ Aditya Yuli Sulistyawan, *op.cit.*, p. 56.

³⁸ *Ibid.*

³⁹ Ulfah Fajarini and Nurul Handayani, *op.cit.*, p. 51

emancipation. The struggle to demand rights for victims of sexual violence and legal protection for them must continue to be pursued together.

D. CONCLUSION

Based on the data and cases that have been presented, conclusions can be drawn. First, sexual violence that occurs on campus can be influenced by the imbalance of power and gender relations involving educators and seniors, and female students. This is influenced by patriarchal systems and historical structures that are not parallel. College students, as women, are always positioned as weak and submissive and must accept all unfair behaviour from men. In line with this, it means that female students as women have no guarantee to avoid acts of sexual violence in the context they are in, even on campus, a place that should be full of civility. Second, a review of the paradigm of critical theory et al. and the flow of feminist jurisprudence found that the inequality of power and gender causes men to abuse women because they think they are more powerful and have more rights than women. This inequality creates discomfort and worries for female students because few female students are victims of sexual violence.

In this study, the authors suggest that education, persuasion, and advocacy for victims of sexual violence need to be continued so that awareness grows that their rights can be fought for by having

the courage to report any acts of sexual violence they experience. It is the shared responsibility of all parties to push for change to bring about emancipation and justice for victims of sexual violence.

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