E-ISSN: 3031-0458

Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory

THE NATURE OF POWER RELATIONSHIPS AND THE EFFECTIVENESS OF LAW IN THE PHENOMENON OF SEXUAL VIOLENCE IN HIGHER EDUCATION INSTITUTIONS: AN ONTOLOGICAL ANALYSIS

Ardison Asri[1] , Yoviza Media[2] , Maniur Sinaga[3]
[1] Doctoral Student in Law (PDIH) at Bandung Islamic University (Unisba)
[2] Faculty of Law, Bung Hatta University, Padang
[3] Faculty of Law, Marsekal Suryadarma Aerospace University, Jakarta
E-mail: ardison@unsurya.ac.id

Received 19-10-2026| Revised form 31-10-2026 | Accepted 07-11-2026

Abstract

This study aims to analyze the nature of sexual violence in higher education settings, power imbalances in academic relationships, and the effectiveness of legal protections. The research method employed is a normative legal research method using *a statutory approach* and *a conceptual approach*. The analysis in this study was conducted qualitatively, namely through the identification of main ideas, the grouping of themes (the reality of sexual violence, power asymmetry, a culture of silence, and legal protection), a critical reading across sources, and an argumentative synthesis. The results of the research and analysis indicate that the phenomenon of sexual violence in higher education settings constitutes an objective social reality manifesting as physical, psychological, verbal, and sexual violence. This reality is characterized by the presence of a "culture of silence" and the victims' fear stemming from their subordinate position, which leaves them vulnerable to academic intimidation, threats of sanctions, and social stigma. From the perspective of legal ontology, the nature of sexual violence in higher education settings is not merely an individual moral transgression but rather a consequence of power imbalances and the structured interplay of *power and knowledge* within the academic hierarchy. The effectiveness of legal norms—such as Ministry of Education, Culture, Research, and Technology Regulation No. 55 of 2024 on the Prevention and Handling of Violence in Higher Education Institutions—and internal guidelines, such as the Rector's Regulations and the establishment of the Task Force for the Prevention and Handling of Violence in Higher Education Institutions (Satgas PPKPT) is ontologically determined by the extent to which these regulations are able to reduce power asymmetries, erode a culture *of institutional betrayal*, and transform the institution's legal culture into one that promotes justice and provides substantive protection for victims.

Keywords: Scientific Ontology, Power Relations, Sexual Violence, Higher Education, Legal Effectiveness.

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INTRODUCTION

Ontologically, higher education institutions are idealized as "safe spaces" and the crucible of civilization places where critical reasoning, morality, and justice are upheld. However, based on observable phenomena and realities, as well as daily experiences in

academic life, campuses are not immune to various forms of social pathology.[1] Phenomena of violence including physical, psychological, and verbal abuse, bullying, and sexual violence are rampant in higher education settings. These phenomena are often embedded within the dynamics of structural hierarchies, power relations between faculty and students, and seniority traditions within student organizations or campus orientation activities.

Manifestations of this phenomenon and reality can be observed and identified in various real-life cases that have come to public attention, such as the results of an official survey by the Ministry of Education, Culture, Research, and Technology (Kemendikbudristek now the Ministry of Higher Education, Science, and Technology (Kemendiktisaintek) conducted at 97 campuses in 29 cities regarding sexual violence in higher education institutions, which found that 77% of faculty members admitted that sexual violence had occurred on their campuses. Worse still, 63% of them did not report the cases they were aware of to campus authorities,[2] and most victims of sexual violence were female students, with the perpetrators being faculty members.[3] For this reason, the Ministry of Education, Culture, Research, and Technology (Kemendikbudristek) as the ministry responsible for higher education addressed the issue of sexual violence in higher education by enacting Ministerial Regulation No. 30 of 2021 on the Prevention and Handling of Sexual Violence in Higher Education Institutions. This is evident in the preamble of the aforementioned Permendikbudristek under point b, which states: "that the increasing incidence of sexual violence within communities including higher education institutions will, directly or indirectly, result in the suboptimal implementation

[1] Sophia Sukma Fatimah Yasmin and Rhafidilla Vebrynda, *"Students' Perceptions of the Importance of Safe Spaces Free from Sexual Violence on Campus*," Medkom: Journal of Media and Communication, Vol. 5, No. 2, 2024, pp. 62–74, DOI: https://doi.org/10.20473/medkom.v5i1.57064.

[2] itjen.kemendikdasmen.go.id, "Minister of Education, Culture, Research, and Technology: There Is a Sexual Violence Crisis on College Campuses," (November 13, 2021), available at https://itjen.kemendikdasmen.go.id/web/?p=2125, accessed October 12, 2026.

[3] cnnindonesia.com, "The Latent Danger of Sexual Violence in Educational Settings: Professor-Girlfriend Relationships," (November 30, 2021), available at https://www.cnnindonesia.com/nasional/20211128164909-20-727107/bahaya-laten-kekerasan-seksual-lingkungan-pendidikan-dosen-pacar, accessed on October 12, 2026.

of the Tridharma of Higher Education and a decline in the quality of higher education."[4]

Similarly, in an article by Sulistyowati Irianto, it is pointed out that campuses are, in fact, not safe places for students. A 2019 Jakarta Post survey revealed that 96 percent of the victims were female students. The perpetrators are generally lecturers, thesis or dissertation advisors, or academic advisors including professors. They wield immense power over students, having the authority to determine graduation and grade outcomes. These students may be undergraduates, master's students, or even doctoral candidates.[5] It turns out that incidents of violence on college campuses are not limited to sexual violence; other forms of violence have also been on the rise, therefore, Ministry of Education, Culture, Research, and Technology Regulation No. 30 of 2021 on the Prevention and Handling of Sexual Violence in Higher Education Institutions has been replaced by Ministry of Education, Culture, Research, and Technology Regulation No. 55 of 2024 on the Prevention and Handling of Violence in Higher Education Institutions.[6] This is exemplified by the most recent bullying case that occurred at Telkom University in Bandung.[7]

Cases of sexual violence, bullying, and other forms of violence as outlined in the evolving regulations on the prevention and handling of violence in higher education institutions demonstrate that violence in academic settings is not merely a fictional issue but a tangible, empirical reality. From the perspective *of das sollen* (the ideal state), the existence of state positive law such as Law No. 12 of 2022 on Criminal Acts of Sexual Violence, Ministry of Education, Culture, Research, and Technology Regulation No. 55 of 2024 on the Prevention and Handling of Violence in Higher Education Institutions , and internal guidelines such as the Rector's Regulations, as well as the establishment of the

[4] Regulation of the Minister of Education, Culture, Research, and Technology of the Republic of Indonesia No. 30 of 2021 concerning the Prevention and Handling of Sexual Violence in Higher Education Institutions, State Gazette of the Republic of Indonesia Year 2021 No. 1000 , Recital Section Letter b.

[5] Sulistyowati Irianto, "Sexual Predators on Campus," (November 11, 2021), available at https://www.kompas.id/baca/opini/2021/11/11/predator-seksual-di-kampus, accessed October 12, 2026.

[6] Regulation of the Minister of Education, Culture, Research, and Technology of the Republic of Indonesia No. 55 of 2024 concerning the Prevention and Handling of Violence in Higher Education Institutions, State Gazette of the Republic of Indonesia Year 2024 No. 676 .

[7] kompas.com, "Bullying in Campus Dormitories: Telkom University Rector Apologizes," (October 11, 2026), available at https://bandung.kompas.com/read/2026/10/11/181630078/bullying-di-asrama-kampus-rektor-telkom-university-minta-maaf, accessed October 12, 2026.

Task Force for the Prevention and Handling of Violence in Higher Education Institutions (Satgas PPKPT) on various campuses, should serve as ontological instruments that guarantee the essence of legal protection for the academic community. However, in empirical reality (*das Sein*), the enforcement of these regulations often clashes with contrasting social realities.

Starting from the gap between these ideal conditions and empirical reality raises a fundamental question from the perspective of scientific ontology: Is sexual violence particularly in higher education—merely an anomaly of individual behavior, or is it an ontological manifestation of unequal power relations deeply rooted in the campus bureaucratic system?

Based on the background outlined above, the author is interested in conducting a study titled **"The Nature of Power Relations and the Effectiveness of the Law in the Phenomenon of Sexual Violence in Higher Education Institutions: A Scientific Ontological Analysis**."

RESEARCH METHOD

This study is a normative legal study supplemented by a sociological-juridical approach that is, a study that examines law as norms or rules applicable in legislation and observes their implementation in society to understand the gap between the law as it ought to be (*das sollen*) and the law as it actually is (*das sein*).[8] Soerjono Soekanto explains that the sociological approach in legal research aims to understand how the law functions in society and the factors that influence its implementation.[9]

The approaches used in this study are *the statutory approach* and *the conceptual approach*. *The statutory approach* is used to analyze Law No. 12 of 2022 on Sexual Violence Crimes and Ministry of Education, Culture, Research, and Technology Regulation No. 55 of 2024 on the Prevention and Handling of Violence in Higher Education Institutions within the framework of "*das sollen*" and "*das sein*." The *conceptual approach* is used to examine

[8] Soerjono Soekanto and Sri Mamudji, *Normative Legal Research: A Brief Overview*, (Jakarta: Rajawali, 1986), p. 52.

[9] *Ibid*., p. 51.

the philosophy of science, particularly scientific ontology. Its material object is the phenomenon of sexual violence in higher education settings, while its formal object is the nature of the phenomenon's existence, the accompanying power relations, and the relationship between legal norms and social reality.

The analysis in this study was conducted qualitatively, namely by describing, understanding, and interpreting the collected legal materials in accordance with the research problem. The analysis involved identifying key ideas, grouping themes (the reality of sexual violence, power asymmetry, a culture of silence, and legal protection), conducting a critical reading across sources, and finally, an argumentative synthesis. This study does not present interviews, surveys, or new primary data. Figures and empirical findings are treated as reports from cited sources.

RESULTS AND DISCUSSION

The Nature of the Phenomenon of Sexual Violence in Higher Education Settings

Higher education institutions in Indonesia are not free from the threat of sexual violence. Although statistical data on the number of sexual violence cases in higher education institutions are not available, the observable phenomena and realities found in various real-life cases that have come to public attention indicate that cases of sexual violence in higher education settings in Indonesia continue to emerge. Survey results confirm observations and media reports regarding the existence of sexual violence cases in the education sector, particularly at higher education institutions in Indonesia. Cases of sexual violence are extremely difficult to detect or uncover. The cases of sexual violence that eventually come to light are recognized as merely the tip of the iceberg.[10] Therefore, it is reasonable to assume that *the "dark number"* (unreported incidents of sexual violence in higher education settings) is far higher than the number of reported

[10] Hanifiyatus Shamhah Abdullah, Rinaldo, and Nurliana Cipta Apsari, *"Students' Knowledge, Attitudes, and Perspectives on Preventing Sexual Violence on Campus*," Journal of Collaborative Conflict Resolution, Vol. 5, No. 1, 2023, pp. 43–56, DOI: https://doi.org/10.24198/jkrk.v5i1.44677.

incidents.[11]

Based on empirical observations made through the five senses and academic life experiences, violence in the higher education environment no longer takes the form of visible physical acts alone; it also manifests in various forms verbal, psychological, and *gender-based* sexual *violence*. The reality on the ground reveals a pattern of power imbalance between perpetrators and victims. In the context of academic relationships (between faculty and students), psychological or sexual violence is often disguised as thesis advising, threats of failing a course, or the abuse of administrative authority. Similarly, in relationships between students (seniors and juniors), bullying is often disguised under the guise of "initiation traditions" or "character building."

Empirically, this phenomenon gives rise to what is known as a "*silent* culture." Victims tend to be reluctant to report the incidents they have experienced because they find themselves in *a* vulnerable *position*. Students' firsthand experiences indicate that fear of negative stigma, threats to their academic standing, and slow or defensive institutional responses aimed at protecting the university's reputation (*institutional image* / *institutional betrayal*) are the primary barriers to the disclosure of facts regarding violence, particularly sexual violence. As noted in the literature, cases of sexual violence on campus are often described as *the "iceberg phenomenon,"* where the cases that come to light represent only a small fraction of the hidden reality. Thus, the empirical reality of sexual violence on campus is not merely a series of random incidents but a structured social reality.[12]

These findings are supported by Talan, Taftazani, and Apsari, whose analysis of research reports illustrates the connection between sexual violence and patriarchal structures, norms of compliance, and hierarchies of authority within educational and religious institutions. Although this study is not limited to college campuses, its emphasis on social structures is relevant for enriching the ontological understanding that the

[11] Dini Aulia, Khairunisa Aulia. A, Siti Nurbaya, and Wulan Chetty, *"Legal Sovereignty and the Reality of Social Law: A Juridical-Sociological Review of Criminal Acts of Sexual Violence and Harassment in Educational Settings,"* JMIA: Journal of Multidisciplinary Academic Sciences, Vol. 3, No. 4, August 2026, pp. 1061–1070, DOI: https://doi.org/10.61722/jmia.v3i4.11461.

[12] Nikmatullah, *Protecting the University's Reputation vs. Protecting Victims: Cases of Sexual Violence on Campus*, *Qawwam: Journal for Gender Mainstreaming*, Vol. 14, No. 2, 2020, pp. 37–53, https://journal.uinmataram.ac.id/index.php/qawwam/article/view/2875/1429.

phenomenon of sexual violence has broader social prerequisites than mere individual actions.[13]

Meanwhile, Ajani, Anggraini, and Irawan, in their research, highlight the difficulties in reporting, victims' distrust of the system, weak institutional protections, and the tendency to blame victims; thus, the concealment of sexual violence cases in higher education settings should not be equated with the absence of such cases. Thus, the "tip of the iceberg" metaphor serves as a framework for explaining potential underreporting, not as a definitive quantitative measure of all incidents.[14]

The existence of this phenomenon of violence in the context of sexual violence on college campuses is due to the following: First, the absence of intersubjective relationships that is, subject-to-subject relationships and the presence of subject-to-object relationships, in which perpetrators of sexual violence on college campuses view victims as objects. If intersubjective relationships (subject-to-subject) existed within the college environment (campus), cases of sexual violence in that setting would not occur.[15] Second, the *self-defense tactics* employed by perpetrators of sexual violence in the college environment, who file counter-reports claiming they are being wronged under the pretext of defamation.[16] Third, there are political interests on the part of university officials to protect perpetrators of sexual violence in order to preserve the institution's reputation.[17]

[13] Adi Talan, Budi Muhammad Taftazani, and Nurliana Cipta Apsari, *Power Relations in Sexual Violence Against Women*, Jurnal Sosio Informa, Vol. 11, No. 2, 2025, pp. 136–148, DOI: https://doi.org/10.31595/inf.v11i2.3416.

[14] Deviani Yasinta Mia Anjani, Lita Anggraini, and Andrie Irawan, "A Critical Review of the Handling of Sexual Harassment Cases in Educational Settings," Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory, Vol. 3, No. 3, July–September 2025, pp. 2734–2745, DOI: https://doi.org/10.62976/ijijel.v3i3.1341.

[15] Pius Pandor, Mauritus Damang, and Robertus Syukur, *"Sexual Violence on Campus (The Relationship Between the Self and the Other)*," Indonesian Journal of Philosophy, Vol. 6, No. 1, 2023, pp. 115–125, DOI: https://doi.org/10.23887/jfi.v6i1.42178.

[16] Sumintak and Abdullah Idi, *"An Analysis of Michel Foucault's Power Relations: A Case Study of the Phenomenon of Sexual Violence in Higher Education*," Jurnal Intelektual: Islam, Society, and Science, Vol. 11, No. 1, June 2022, pp. 56–61, DOI: https://doi.org/10.19109/intelektualita.v11i1.11117.

[17] Nikmatullah, *op. cit*.

Scientific Ontology Responds to the Phenomenon of Sexual Violence in Higher Education Settings

Ontology is a branch of philosophy that examines the nature of existence or reality. In a scientific context, ontology seeks to answer fundamental questions regarding what constitutes the object of scientific study, how that object is understood as a reality, and what elements constitute the existence of that object. Ontology not only questions whether a phenomenon actually occurs, but also examines the nature, structure, and conditions that allow the phenomenon to emerge and persist in society.[18]

In the study of sexual violence in higher education settings, an ontological approach is used to understand sexual violence as a social reality with individual, structural, and institutional dimensions. Sexual violence in higher education settings can be understood as a social reality because its existence is tied to interpersonal relationships, prevailing norms, institutional structures, and recognizable patterns of interaction. While some acts of violence may occur openly, others are hidden behind customs, traditions, procedures, or relationships that are considered normal. For example, when the campus community is accustomed to viewing harassment as a joke.

From an ontological perspective, this situation indicates that sexual violence is not merely a matter of individual actions but is also tied to how a community understands and assigns meaning to such actions. Social reality is formed and maintained through interactions, customs, and the acceptance of certain norms. Thus, understanding sexual violence requires examining not only the acts themselves but also the social meanings that allow these acts to occur, be normalized, or be concealed.[19]

Another crucial aspect in understanding sexual violence in higher education settings is power dynamics. Here, the ontological manifestations of *power* imbalances are internalized within bureaucratic structures and academic culture. Power is, by its nature, an integral part of organizational life and is not inherently negative. In an

[18] Alfisyah, *"The Ontology of Knowledge*," *At-Taklim: Journal of Multidisciplinary Education*, Vol. 2, No. 2, 2025, pp. 440–455, DOI: https://doi.org/10.71282/at-taklim.v2i12.1404.

[19] Risandi, Syalia Sefittiani, Andy Suhendra, Hayati Pelita, Soni, and Endri Bagus Prastyo, From Conformity to Normalization: A Sociological Analysis of Criminal Behavior Regarding Harassment of Female Students in Higher Education Institutions, Neo Societal Journal, Vol. 11, No. 3, 2026, pp. 184–195, DOI: https://doi.org/10.52423/jns.v11i3.156.

academic setting, power is necessary to regulate the learning process, set academic standards, manage resources, conduct evaluations, and ensure the fulfillment of institutional responsibilities. However, power can become problematic when authority is exercised arbitrarily or without oversight and accountability mechanisms. The power imbalance between those who hold authority and those who depend on that authority can create conditions that make it difficult for someone to refuse, resist, or report actions that harm them.

Take the relationship between faculty and students, for example: faculty members may have influence over grading, graduation, academic recommendations, or opportunities to participate in certain activities. This dependency can lead students to feel that refusing an inappropriate request will have consequences for their academic future. In the relationship between an advisor and a student, power imbalances can become even more complex because the advising process often takes place over the long term and affects the completion of studies.

In the context of sexual violence, power imbalances can increase vulnerability when those in positions of authority exploit their status to exert pressure, manipulate, intimidate, or engage in unwanted sexual acts. Therefore, an analysis of sexual violence is not sufficient if it merely asks whether there was physical resistance. The analysis must also consider the context of the relationship, the presence of pressure, dependency, threats, and conditions that affect a person's freedom to make decisions.

Drawing on Michel Foucault's concept of the *power-knowledge* relationship, power on campus is neither neutral nor purely top-down; rather, it is distributed across social and academic networks. Superiors (faculty members, campus officials, or upperclassmen) hold the authority to determine the academic fate of subordinates (students or underclassmen). Foucault asserts that power is always actualized through knowledge, and knowledge always exerts a power effect. When discourses of power (academic politics) intersect with discourses of desire (sexuality), academic authority is often abused as a tool of domination. Therefore, the nature of sexual violence on campus is rooted in *an asymmetry of bargaining positions* that strips victims of their autonomy.

Consequently, an ontological approach to academia positions power relations as a crucial aspect of the reality of violence. Violence can emerge when authority—which

should be used to educate and protect is transformed into a means of domination. This understanding also underscores that preventing violence is not sufficient by merely asking individuals to behave well; it must be accompanied by efforts to build fair, transparent, and accountable academic relationships.

Furthermore, the phenomenon of violence in higher education often intersects with *a "culture of* silence" a situation in which individuals or groups choose not to discuss, report, or disclose acts of violence they are aware of or have experienced. A culture of silence can arise from fear of the perpetrator, concern about retaliation, distrust of complaint mechanisms, shame, or the fear that disclosing a case will damage one's personal reputation or that of the institution.[20]

From an ontological perspective, the culture of silence demonstrates that the reality of violence can persist even if it is not openly acknowledged. The existence of a phenomenon is not always synonymous with its level of visibility. Hidden violence remains a real problem whenever there are events, actions, or conditions that meet the characteristics of violence, even if victims have not yet reported them or institutions have not yet acknowledged them. This relates to the "tip of the iceberg" phenomenon a situation where recorded cases represent only the visible portion of the entire phenomenon. The number of official reports does not, in and of itself, reflect the full extent of actual occurrences.

Furthermore, from the perspective of positive law ontology, the enactment of legal instruments such as Law No. 12 of 2022 on Sexual Violence Crimes, Ministry of Education, Culture, Research, and Technology Regulation No. 55 of 2024 on the Prevention and Handling of Violence in Higher Education Institutions, and internal guidelines such as the Rector's Regulations and the establishment of the Task Force for the Prevention and Handling of Violence in Higher Education Institutions (Satgas PPKPT) on various campuses are tangible manifestations of efforts to establish protective norms (*das sollen*). However, ontologically speaking, the existence of written rules does not

[20] Teddy Kusuma Wardhana, Kiki Kristanto, and Joanita Jalianery, *Violence in Student Organization Training: Legal Liability and Administrative Sanctions for Higher Education Institutions*, Widya Yuridika: Law Journal, Vol. 8, No. 3, 2025, pp. 691–708, https://publishing-widyagama.ac.id/ejournal-v2/index.php/yuridika/article/view/7028/3846.

automatically alter the essence of social reality on the ground (*das sein*).[21]

The effectiveness of the law on campus often faces structural obstacles due to the conflict between protecting victims and the interest in preserving the institution's reputation (*institutional betrayal*). Rigid and defensive bureaucracy often silences victims to avoid negative publicity. Therefore, new legal norms can be said to possess a genuine ontological existence only if they are able to depoliticize power relations, transform a defensive bureaucratic mindset into one that is pro-justice, provide tangible protection for victims, and consistently dismantle perpetrators' impunity.

It is important to understand that the effectiveness of the law is a multi-layered relationship between legal norms, implementing institutions, victims' access, organizational culture, and accountability mechanisms. Its ontological aspect lies in the existence of the law as a lived social practice, not merely as legal text. Operationally, universities must ensure safe and easily accessible reporting channels, impartial investigation processes, protection against retaliation, recovery services, and verifiable institutional evaluations. Thus, improving the effectiveness of the law requires changes at both the regulatory and organizational culture levels. Regulations must be consistently enforced, oversight mechanisms need to be strengthened, and the campus community must understand that safeguarding the institution's reputation must not be used as an excuse to ignore reports or hinder legitimate handling processes.

Thus, by applying a scholarly framework to address the phenomenon of violence on college campuses, it is hoped that higher education institutions will be able to build an academic environment that is not only intellectually excellent but also fair, safe, transparent, and grounded in respect for human dignity.

CONCLUSION

The phenomenon of sexual violence in higher education settings is an objective social reality that manifests in the form of physical, psychological, verbal, and sexual violence. This reality is characterized by the existence of a "*silent* culture" and the victims'

[21] Dian Putri Winarno, *"Implementation of Ministry of Education, Culture, Research, and Technology Regulation No. 55 of 2024 from the Perspective of Good University Governance Through the Role of the Task Force at Trunojoyo University of Madura*," JMA: Academic Media Journal, Vol. 4, No. 1, January 2026, pp. 1–16, DOI: https://doi.org/10.62281/z1m8by68.

fear stemming from their subordinate position, which leaves them vulnerable to academic intimidation, threats of sanctions, and social stigma.

From the perspective of legal ontology, the nature of sexual violence in higher education settings is not merely an individual moral transgression but rather a consequence of power imbalances and the structured interplay of *power and knowledge* within the academic hierarchy. The effectiveness of legal norms such as Ministry of Education, Culture, Research, and Technology Regulation No. 55 of 2024 on the Prevention and Handling of Violence in Higher Education Institutions and internal guidelines such as the Rector's Regulation " " (Prevention and Handling of Violence in Higher Education Institutions) and the establishment of the Task Force for the Prevention and Handling of Violence in Higher Education Institutions (Satgas PPKPT) is, ontologically speaking, largely determined by the extent to which these regulations are able to reduce power asymmetries, erode a culture *of institutional betrayal*, and transform the institution's legal culture into one that promotes justice and provides substantive protection for victims.

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