

## STRENGTHENING GENDER UNDERSTANDING OF THE SEXUAL VIOLENCE CRIME LAW (UU TPKS) AMONG ADOLESCENTS

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### ABSTRACT

Adolescents in the context of schoolchildren in the age range according to the World Health Organization (WHO) 10-19 years require intensive attention. The rise of sexual violence cases that occur sometimes makes teenagers do not dare to express the problem of sexual violence. We consider it necessary to strengthening gender understanding of the Sexual Violence Crime Law/ Undang-undang Tindak Pidana Kekerasan Seksual among student council students in Budi Luhur high school. With this activity, we hoped that students at Budi Luhur high school can prevent sexual violence. Although in the realm of high school (SMA), a task force not yet formed like in universities as an acceleration of the implementation of the Minister of Education and culture Regulation Number 30 of 2021 concerning the prevention and handling of sexual violence in the college environment. The activity method uses roleplay, pre-test, presentation of the material and post-test. It is expected that this service can be a means of increasing understanding related to gender issues, prevention of sexual violence in the school environment, thus the learning process runs well and comfortably.

**Keywords:** *gender; sexual assault, sexual harassment, Sexual Violence Crime Law*

### 1. INTRODUCTION

Direct reports to the National Commission on Violence against Women (National Women’s Commission) for the period 2015–2020 to August show that violence is also occurring in the educational environment. It shows that the educational environment is no longer a safe place for students. In 2015, 3 cases were filed, in 2016 10 cases were brought, in 2017 3 cases, in 2018 10 cases, increased in 2019 to 15 cases, and by August 2020, 10 cases had been filed. The case is definitely the tip of the iceberg, because in general, cases of violence in the educational environment are not. However, these figures indicate that the national education system must seriously prevent and address violence against women as part of the elimination of discrimination against women. Violence occurs at all levels of education, from early childhood education to higher education, as shown in the following chart:

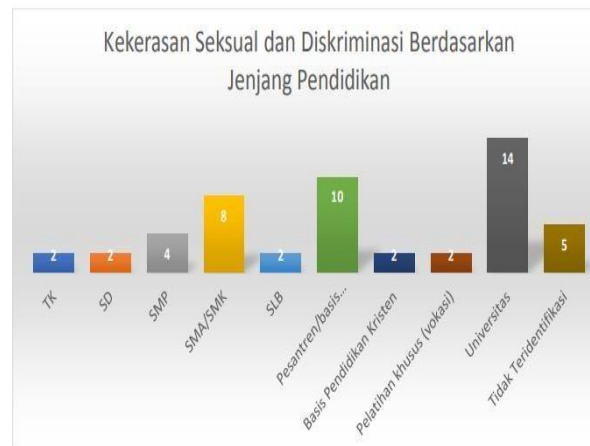


Figure 1. Graph of Sexual Violence and Discrimination Based on Education

Of the 51 cases filed during 2015–2020, it appears that universities ranked first (27%), Islamic-based training or education ranked second (19%), 15% occurred at the Senior High School/ Vocational High School level, 7% occurred at the Junior High School level, and 3% occurred in kindergarten, elementary schools, special education schools, and Christian-based education, respectively. The highest form of violence is sexual violence, with 45 cases (88%), consisting of rape, abduction, and sexual harassment, followed by psychological violence and discrimination in the form of expulsion from school with 5 cases (10%), with girls being discriminated against while they are victims of sexual violence (rape victims) or if they are engaged in sexual activity and physical violence. The victims, who are generally students, are in powerless conditions, in power relationships facing teachers, lecturers, or the head of school,

who must have the power of scientific authority, including big names in society. A layer of power relationships, including the preservation of the reputation of schools, universities, and Islamic boarding schools, will be an obstacle for victims to obtain justice, truth, and recovery (Lembar Fakta Komisi Nasional Anti Kekerasan terhadap Perempuan, 2020).

The focus of the community service will be held at Budi Luhur High School at Raden Saleh Street 999, Karang Tengah, Tangerang, Jakarta. Based on the spirit of serving the nation and the country in order to fight poverty and stupidity and meet the demands of the times, Drs. Djaetun H.S., as Chairman of Budi Luhur High School, established this school on July 20, 1992. The main mission of this school is to create an Indonesian man who is wholly intelligent and noble. Intelligent in the sense that the student has sufficient intellectual abilities, so he/she is not easy to be fooled, while *Berbudi Luhur* means that the educators have a good mental attitude, thus they are able to use their intellectual abilities for good, not for bad deeds. (Profil SMA Budi Luhur dalam <http://sma.budiluhur.sch.id/>) including the preservation of the reputation of schools, universities, and Islamic boarding schools, will be an obstacle for victims to obtain justice, truth, and recovery (Lembar Fakta Komisi Nasional Anti Kekerasan terhadap Perempuan, 2020).

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Sexual violence frequently affects the gender of female victims; an understanding of gender in the adolescent age range is essential for concepts and ways of thinking to better understand how to respect yourself and others in preventing the occurrence of sexual violence. Verbal sexual violence is usually unintentionally spread to offend the feelings of others that the perpetrator considers to be joking. More frequent acts of physical and non-physical violence occur not only between friends but even between teachers and students. Although in Budi Luhur High School there has never been a case like this and hopefully not to happen, we as a team want to share knowledge on how the concept of gender in international relations sees the phenomenon of sexual violence that frequently occurs in the field of education. The spirit of women's gender activists and the National Commission on Violence against Women (National Women's Commission) have been initiating the Sexual Violence Crime Bill (RUU TPKS) since 2012, as Indonesia has been judged to be a sexual violence emergency. At the beginning of this initiation, the RUU TPKS was originally called the RUU PKS (Elimination of Sexual Violence Bill).

The Sexual Violence Crime Law (UU TPKS), originally called the PKS Bill, is a law that is expected to be a legal umbrella or protection for victims of sexual violence. The Bill on the Elimination of Sexual Violence (PKS) has been proposed by the Women's Chamber since 2012. However, since the Women's Chamber was inaugurated in 2012, the discussion of the RUU PKS has not been completed and has even been repeatedly postponed. The People's Representative Council (DPR) approved the Sexual Violence Punishment Bill (TPKS Bill) as a law at the plenary meeting of the House on April 12<sup>th</sup>, 2022. There are nine types of criminal acts of sexual violence regulated in Article (4) Paragraph (1) of the Law. Nine criminal acts of sexual violence under the TPKS Law, namely:

- a. Non-physical sexual harassment
- b. Physical sexual harassment
- c. Forced co-prescription
- d. Forced sterilization
- e. Forced marriage
- f. Sexual torture
- g. Sexual exploitation
- h. Sexual slavery
- i. Electronic-based sexual violence

In addition to the nine criminal acts of sexual violence mentioned in paragraph (1), there are 10 other types of sexual abuse listed in article (4) paragraph 2, namely:

- a. Rape
- b. Sexual abuse
- c. Adultery against children
- d. Sexual abuse against children
- e. Sexual exploitation of children
- f. Acts of violence against the will of the victim

- g. Pornography involving children or pornography explicitly containing sexual violence and exploitation
- h. Forced prostitution
- i. Criminal offence of human trafficking intended for sexual exploitation
- j. Sexual violence in the domestic sphere

## 2. METHOD

This community service activity uses the role-play methods played by the accompanying students, followed by material exposure, quizzes, and pre-tests before the presentation of material begins and post-tests after the activity is carried out.

## 3. RESULT AND DISCUSSION

This activity begins with giving a) a pre-test to the female and male students of the Intra-School Students Organization (OSIS) before the presentation of the material. OSIS students were asked about their knowledge of sexual harassment, sexual violence, and the Sexual Violence Act. The pre-tests showed that 25.83% understood, 3.10% did not understand, and only 2.7% understood the Sexual Violence Crime Law (UU TPKS).

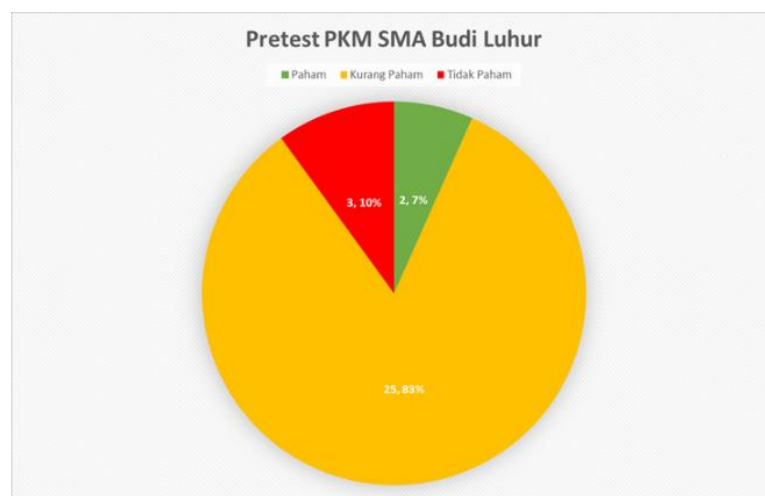


Figure 2. Graphic result of Pre-test of Understanding of the TPKS Law in SMA Budi Luhur

Then it continued with a role-play by students and accompanying students who acted on scenes involving sexual harassment and sexual violence. In this role-play, it is expected that students understand that victims of sexual harassment and violence—not only women but also men—can be victims, not only the perpetrators, but also that otherwise women can be offenders against men. With the presence of role play, students become aware that delivering speeches with appeals, jokes, and sexual nuances to the victims (both men and women) is a form of sexual abuse. Thus, it is hoped that a schoolgirl will be able to understand the limits of joking with her peers.

The presentation of the material in the lecture method is given to OSIS students by the lecturer. The importance of strengthening gender understanding in the Sexual Violence Crime Law among adolescents, especially in the Senior High School / Vocational High School environments, is important to be noted, given that in the Senior High School (SMA) area, a standard has not yet been formed, like in college, as an acceleration of the implementation of the Ministry of Research, Technology and Higher Education (Mendikbudristek) Regulation No. 30 of 2021 on the prevention and management of sexual violence in the university environment. Material provided regarding the following explanation:

- a. Differences in the definition of violence and sexual violence as well as laws such as KUHP XIV- Crime Against Conscience (Article 281- 309), Bill of Act on Electronic Information and Transaction (UU ITE/ Law No. 11 of 2008 Article 27 (1) and Law on Pornography (Law No. 44/ 2008)
- b. Sexual Harassment
- c. The Sexual Violence Crime Law (UU TPKS)
- d. Forms of sexual violence and their consequences
- e. Gender and sex
- f. Concepts of gender equality and social inclusion
- g. Solution for friends from sexual violence and victims of sexual violence
- h. Solution to avoid the danger of rape

After the presentation of the material, OSIS students were given a number of questions in a quiz guided by the accompanying students and awarded a prize for those who answered the question accurately. The post-test stated that students' understanding of OSIS increased. In the first question on sexual violence, 28 students answered correctly, and in the second question on non-sexual harassment, 27 students replied correctly. On the third question on the impact of sexual violence on the educational environment, all the students correctly answered. On the fourth question about what is not about gender concepts, 28 people correctly replied. On the fifth question on the concept of all people in terms of gender equality, as many as 32 answers were correct. Then 26 people answered the sixth question accurately about how to avoid the danger of rape. In the chart below, you can see the results of the post-test.

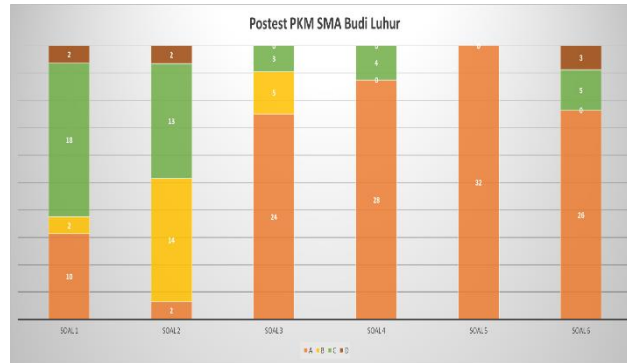


Figure 3. Graphics Post-test Understanding of the TPKS Law in SMA Budi Luhur

The National Commission on Violence against Women (National Women's Commission) appreciated that the House of Representatives (DPR RI) has fulfilled its pledge to establish the Sexual Violence Crime Bill (RUU TPKS) as an initiative of the DPR RI at the Plenary Session of the DPR RI held on Tuesday, January 18, 2022. The establishment of the RUU TPKS as a proposal indicates that the commitments of the House of Representatives have been in line with the promises of the President of the Republic of Indonesia, Joko Widodo, on January 5, 2022. In his speech, the President of the Republic of Indonesia has ordered the Minister of Law and Human Rights and the Minister of Women Empowerment and Child Protection to coordinate and consult with the House of Representatives and the Government Task Force responsible for discussing the RUU TPKS to prepare the DIM (Inventory List of Problems) of the Bills. Furthermore, the People's Representative Council (DPR) approved the Sexual Violence Crime Bill (RUU TPKS) as a law at the plenary meeting of the DPR on April 12, 2022.

The commitment of the legislators to these legislations is a first step towards fulfilling the objective of the establishment of the Unitary State of the Republic of Indonesia (NKRI), as stipulated in the opening of UUD 1945, namely, to "protect all Indonesian peoples" based on the Pancasila of "Just and civilized humanity", and "Social justice for all the people of Indonesia". Not only that, this commitment is also in line with the fulfilment of NKRI's obligations as a participating country that ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1984 in an effort to adopt an appropriate policy in dealing with discrimination against women, in this case violence against women (KtP) in the form of sexual violence (komnasperempuan.go.id).

With this gender awareness-building activity, it is hoped that students at Budi Luhur High School can prevent acts of sexual violence. Although in the field of Senior High Schools (SMA) has not been a standard like in universities as an acceleration of the implementation of Regulation (PerMendikbudristek) Number 30 of 2021 on Prevention and Management of Sexual Violence in the University Environment. It is hoped that this dedication can be a means of increasing understanding related to gender issues and the prevention of sexual violence in the school environment so that the learning process goes well and comfortably.

#### 4. CONCLUSION

Socialization towards the enactment of the Sexual Violence Crime Law (UU TPKS) among adolescents must be done consistently. The understanding of sexual harassment and sexual violence among adolescents is still very low, so it needs to be urgently reinforced with knowledge of sex and gender itself. This needs to be done so that students in Senior high school/ Vocational High School environments do not become victims, prevent such acts of sexual violence, or even protect and respect others by not giving speeches that can be categorized as sexual harassment.

This understanding of the crime of sexual violence should be an important record for the Indonesian nation because there are still many people in the adolescent age range who do not understand what actions can be taken and how to report them.

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