

Consent, Not Content, as the Central Discourse of Campus Sexual Violence Regulation

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Abstract

There have been diverse public reactions regarding the Ministerial Regulation on the Prevention and Handling of Sexual Violence in Higher Education. This research aims to map the network coalition of the discourse in news articles published in online media. Five online media outlets were chosen for this study, of which 100 articles were selected. Using the method of Discourse Network Analysis, this study employs a combination of qualitative and quantitative data analysis. This research adopts the Discourse Coalition Framework to analyze the problem by assessing the discourses and network coalitions related to the regulation. The study finds that a discourse coalition formed in favor of the regulation, consisting of universities, government ministries, and human rights organizations. Among the discourses were filling the legal gap related to the prevention and handling of sexual violence in the university, the deterrent effect, and providing a safe learning environment. There was also a discourse that related the regulation to the deliberation of the bill on Sexual Violence Crime, supporting the House of Representatives to pass the bill. On the other side, opposing discourse appeared from religious-based political parties and civil society organizations, particularly related to the consensual aspect of sexual violence. They claimed the regulation contradicted religious values and called for the government to revise it. This study contributes to understanding cross-sector discourse development in the context of government regulation and underscores the importance of public policy communication in the early stages of policymaking.

Keywords: Campus Sexual Violence, Discourse Network Analysis, Policy Communication, Online News

Abstrak

Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor 30 Tahun 2021 tentang Pencegahan dan Penanganan Kekerasan Seksual di Lingkungan Perguruan Tinggi menuai banyak reaksi pro dan kontra dari publik. Riset ini berupaya untuk menggambarkan koalisi jaringan wacana, melihat pada konsensus dan polarisasi, yang muncul pada pemberitaan media daring. Menganalisis 100 artikel dari lima media daring, studi ini menggabungkan analisis data kualitatif dan kuantitatif dengan menggunakan Discourse Network Analysis. Permasalahan diteliti menggunakan teori Discourse Coalition Framework untuk menunjukkan koalisi wacana dan jaringan terkait dengan regulasi ini. Temuan menunjukkan bahwa respons pendukung kebijakan berasal dari kalangan universitas, kementerian, organisasi hak asasi manusia. Wacana yang diusung antara lain bahwa peraturan ini mengisi kekosongan aturan terkait pencegahan dan penanganan kekerasan seksual di universitas, efek jera ke pelaku, dan menyediakan ruang belajar yang aman. Wacana pendukung ini juga dikaitkan dengan dorongan terhadap DPR untuk mengesahkan UU Tindak Pidana Kekerasan Seksual. Di sisi lain, wacana negatif muncul antara lain dari partai politik dan organisasi masyarakat berbasis agama, khususnya terkait aspek konsensual dari kekerasan seksual. Wacana yang muncul adalah bagaimana peraturan bertentangan dengan nilai agama serta dorongan untuk revisi terhadap peraturan. Studi ini berkontribusi terhadap pemahaman mengenai perkembangan wacana lintas sektoral sebagai reaksi terhadap regulasi pemerintah. Riset ini mengimplikasikan pentingnya komunikasi kebijakan publik di tahap awal dari pembuatan kebijakan, baik dalam sektor internal maupun eksternal.

Kata kunci: Kekerasan Seksual Kampus, Analisis Jaringan Wacana, Komunikasi Kebijakan, Berita Online

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INTRODUCTION

Campus sexual violence is a pervasive problem worldwide, particularly affecting female students. The number of sexual violence on campus is high, with at least one in five female students having experienced sexual contact without consent during their terms in college (Kirkner et al., 2022). A survey involving 2,084 students across 28 campuses in the U.S. reveals that a third of the participants reported having experienced non-consensual sexual violence during their college time (Anderson et al., 2022). Another research (Ameral et al., 2020) also came up with a high number with no less than ten percent of students encountering sexual violence. Such results indicate the high prevalence of sexual violence cases, showing the need for a more serious approach to handling them.

In Indonesia, however, there is no clear number of campus-based sexual violence. According to the National Commission on Violence Against Women (Komnas Perempuan), between 2018 – 2021, there were 35 campus sexual violence cases reported, the highest in comparison to other levels of education (Jayani, 2022). However, this number likely represents only the tip of the iceberg, as many victims are reluctant to file reports. It is believed that the number of sexual violence cases could be significantly higher. Victims tend to disclose to people close to them, such as friends, rather than seeking help from service providers, making it harder to keep track of the real figure. Additionally, many victims are hesitant to disclose the case to campus authorities due to factors such as internalizing shame and self-blame (Kirkner et al., 2022). A study on internalized misogyny points out that society tends to adopt a patriarchal perspective, which places men higher than women, so it is considered normal for a man to make a mistake (Putri & Anshari, 2024). Such situations reveal the need to communicate sexual violence awareness and the way to handle it.

Although reported cases are relatively low, there is growing awareness of campus sexual violence among university students in Indonesia that might be influenced by some factors, among other reports by universities' press. The role of the university press is also crucial, in some cases the press acts as the whistle-blower of an alarming number of cases. Awareness of sexual violence has a positive correlation with age, where older age demonstrates a better understanding of sexual violence, attributed to media exposure and experiences (Lee et al., 2013). Research conducted in Indonesia indicates that more than two-thirds of college students are aware of different forms of sexual harassment (Rusyidi et al., 2019). Generally, two out of three women in Indonesia have experienced sexual violence (Kuhlewein & Octaviani, 2022).

With the rising awareness, campus sexual violence has garnered attention, including from the government. In response to the increasing reports, the Indonesian Ministry of Education, Culture, Research and Technology issued the Ministerial Regulation of the Prevention and Handling of Sexual Violence in Higher Education (Permendikbudristek No 30/2021) in August 2021. The regulation mandates that universities establish a task force to implement prevention programs as well as investigate sexual violence incidents. The task force must include representatives from faculty, students, and administration. The selection process for task force members is stringent, requiring candidates to pass the written test and public review. Additionally, candidates must have experience in handling sexual violence cases and must not have a history of perpetrating sexual violence. These are required to ensure that task force members are well-qualified to handle the cases seriously and understand the victims' perspectives.

Despite generally positive responses to the regulation, community reactions in Indo-

nesia have been diverse. Given the country's strong patriarchal culture, there have been notable reactions against the regulation, with some critics claiming it promotes "liberal views" (Jakarta Post, 2022). Less than a year after the regulation's issuance, a cultural group from West Sumatra filed a judicial review against it; this review was subsequently denied by the Supreme Court (Dagur, 2022). The regulation indeed adopts a more serious stance on sexual violence, expanding the definition of rape to include non-genital forms of penetration as stipulated by the law, and acknowledging other forms of sexual harassment, such as unwanted staring that causes discomfort to victims.

Most universities have publicly supported the regulation; however, effective implementation necessitates support at the broader societal level. Preventive measures must begin at the early level of education, strengthened by family, and society, rather than relying solely on university efforts. In this regard, the media play a critical role in promoting the regulation and portraying the discourses that appear at the grassroots, encompassing both support and opposition. Although news media represent just one of many factors influencing public opinion and cultural norms, they significantly impact how sexual issues, consent, and sexual violence are perceived (Hust et al., 2014; Johnson, 2017; Waterhouse-Watson, 2016).

There has been a growing body of research on campus sexual violence recently, most of them focusing on the cases, such as on help-seeking behavior (Ameral et al., 2020; Kirkner et al., 2022) and on preventing sexual violence (McMahon et al., 2021; Willmott et al., 2022). Relatively a few studies have explored policy or regulation (Backman et al., 2020; Gronert, 2019; Patel & Roesch, 2018), with none addressing public discourse related to the policy. Therefore, this research aims to map public discourse surrounding the Ministerial Regulation on Prevention and Handling

of Campus Sexual Violence by analyzing online news articles. Textual data analysis was conducted using the Discourse Network Analysis (DNA) method.

LITERATURE REVIEW

The Ministerial Regulation on Prevention and Handling of Campus Sexual Violence in Higher Education was issued in 2021, amid increasing media scrutiny regarding rampant sexual violence in the campus. The regulation features a progressive definition of sexual violence, expanding the definition of rape to include non-genital penetration. It also categorizes verbal sexual harassment and sexual staring as part of sexual violence. Furthermore, the regulation requires universities to implement some prevention programs (raising awareness through curricula and establishing task forces), handle sexual violence cases, assist victims, and hand down sanctions. Universities have discretion in determining the severity of sanctions imposed on perpetrators.

While most activist organizations support the regulation, challenges and criticisms have emerged. The Islamic-based Prosperous Justice Party argues that the regulation fails to prevent adultery and homosexuality in the university (Farisa, 2021). Some hold religious perspectives that adultery and homosexuality are punishable behavior. Less than a year following the issuance of the regulation, a cultural group in West Sumatra filed a judicial review to the Supreme Court against the regulation. The group asserts that the regulation is prone to varied interpretations and legalizes free sex and adultery (Saputra, 2022). The viewpoint stems from the fact that the regulation excluded consensual sexual behavior. In such view, whether consensual or not, premarital sexual relations should be prevented.

Campus Sexual Violence and Policy Study

Campus sexual violence, known as CSV, refers to violations of a sexual nature committed against members of the university without

consent. CSV encompasses various types of violence, including sexual coercion, unwanted touching, as well as harassment. CSV has a detrimental effect, especially on university students, as it is related to severe outcomes such as mental health issues as well as dropping out rates (Gómez, 2022). If left unresolved, sexual violence can create an uncomfortable campus environment, ultimately impacting academic performance.

Regulation of campus sexual violence can also be found in various countries besides Indonesia. In the United States, the federal Title IX law mandates that educational institutions address sex-based discrimination, including sexual violence and harassment, as these create unsafe and intimidating educational environments (Patel & Roesch, 2018). Additionally, the Clery Act, originally named the Student Right to Know and Campus Security Act, requires universities to publish annual security reports and provide rights protection for those involved in campus sexual assault. Aside from them, there is also the Campus Sexual Assault Victim's Bill of Rights. Specifically addressing campus, the Campus Sexual Violence Elimination Act (Campus SaVE Act) requires crime logs, policy dissemination, adjudications, as well as programs to prevent gender-based violence (Gronert, 2019).

Some studies investigated the implementation of the act and similar laws. Research by Richards (2019) depicts university response to sexual violence, particularly regarding their adherence to the Title IX Act. Research by Mancini et al. (2016) shows the way universities respond to Mandatory Reporting laws (MR laws), which require employees of the university to file a report when having suspicion of sexual assault to law enforcers. James and Hetzel-Riggin (2021) analyze how Higher Education institutions implement restorative justice (RJ) to address sexual misconduct in college.

Despite the substantial body of research

addressing campus sexual violence and some research on regulations related to campus sexual violence, limited insight exists regarding the public discourse surrounding these regulations. This study seeks to fill this knowledge gap by mapping public discourse in response to the regulation issued by the Education Ministry.

Discourse Coalition Framework Theory

The Discourse Coalition Framework (DCF) is a theory coined by Maarten Hajer. A discourse coalition is defined as a group of actors who share a particular social construct that is a way to give meaning to ambiguous social circumstances (Hajer, 1993). Actors try to push their perspective of reality on others through various methods, including persuasion, manipulation, and exercise of power. Actors also bring up discourse, defined as ideas, concepts, and categories in which meaning is given to phenomena. This social construct of viewing an issue emerges in a historical context.

According to Hajer (1993), a discourse provides the tools to construct issues, shaping how society perceives problems. A successful discourse can lead to structuration, influencing societal views on the issue and possibly solidifying into institutionalized discourse. The Discourse Coalition Framework theory outlines phases of discourse development, from generating storylines around specific problems to employing concepts in the new discourse. A discourse coalition sets up storylines – defined as the medium used by actors to promote their view of reality on others -- and takes action according to these storylines. These steps would be successful if they could meet two situations: dominating the discussion space (structuration of discourse) and institutionalizing the discourse (Hajer, 1993).

This theory, according to Hajer (1993) has three benefits. First, it could analyze action in the context of specific discourses, and the concepts developing along with the

discourse development in a wider political context. Second, discourse coalition analyses in the context of specific discourse and organizational practices. Lastly, it explains actors and practices that reproduce the discourse. Given the aim of this research, the Discourse Coalition Framework is highly relevant for portraying discourse evolution and the actors influencing such discourse.

METHODS

Discourse Network Analysis

Discourse Network Analysis (DNA) is a method developed by Phillip Leifeld to map a coalition of actors and discourse. It combines elements of discourse analysis with network analysis. According to Leifeld, there are main elements of this method: political actors who make statements in the media, and these statements are defined as segments of text reflecting the actors' perspectives, with either positive or negative tones. Each statement contains an actor, a concept (discourse), and binary information indicating support or opposition.

The analysis extends beyond simply relating actors to concepts, it also examines the coalitions formed by this structure. Therefore, the more discourse on which two actors or more together agree or disagree, the more similar their preferences are within the discourse. This produces edge weight that is explained as a measure of discourse similarity.

Data Gathering, Coding, and Analysis

The preparation of the data set is the first step of the method, from which the source would be selected. This study selected five online media: Tempo, Detik.com, CNN Indonesia, Kompas, and IDN Times. The first four media are national media outlets focusing on a wide population, while the last one focuses on the youth market. Defining the population of the articles was the second step, in which the researchers used the keywords "Permendikbud" and "PPKS" in the query to identify potential articles. The data were gathered

with the help of web-based software Media Cloud, searching on the media website and search engines.

Some news stories were eliminated due to several reasons. The primary criterion was whether the article focused on the regulation. The second screening eliminated repetitive stories. Stories with no source were also eliminated from the list. After getting a list of the news to be analyzed, the articles were put into the software of Discourse Network Analyzer (DNA). Coding was done based on discourse, source, institution, and agreement. Then, the results of the coding were categorized into some themes which would be described in the result and discussion section.

To ensure the reliability of the data, one researcher coded the articles and the other researchers checked the codes and discussed them among researchers. The final data set consists of 100 articles published within a year following the regulation's issuance. The networks were visualized using Gephi software. The qualitative analysis of the data is then displayed by showing the emerging main themes from the coding.

RESULT AND DISCUSSION

The data analysis, as depicted in Figure 1, portrays the coalition network. The central actor on the topic of Permendikbudristek was the Ministry of Education, followed by other ministries, including the Religious Affairs Ministry and some organizations, and the National Commission on Human Rights (Komnas HAM).

In terms of the concept (discourse), two central themes emerged: the regulation's potential to prevent campus sexual violence and the contentious discussion surrounding the term "without consent" in the regulation. The analysis primarily focused on the central theme of "consent" as the main contentious issue between polarized camps. On one side, the Ministry of Education, Culture, Research, and Technology, the Ministry of Religious

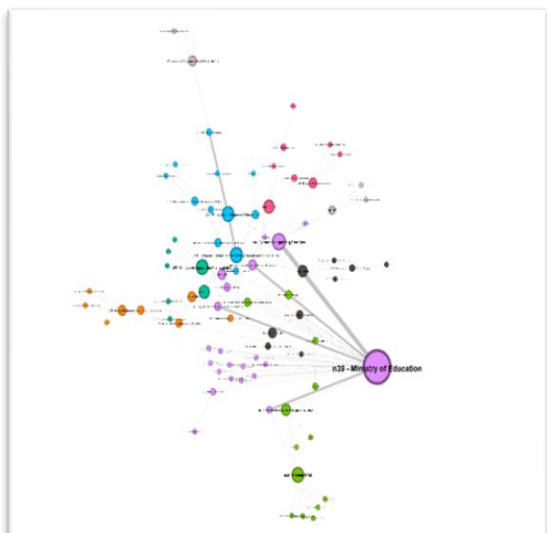


Figure 1. Network Analysis of Permendikbud

Source: Research Data Analysis



Figure 2. Positive and Negative Discourse on the Regulation

Source: Research Data Analysis

Affairs, the Ministry of Women Empowerment and Child Protection, and some organizations, such as the National Commission on Human Rights (Komnas HAM), Setara Institute, and Legal Aid Foundation (LBH) APIK, formed a coalition in favor of the regulation. On the other camp was the coalition of opposing discourse on "without consent" terminology, including some Islamic organizations such as PP Muhammadiyah, PBNU; some political parties including Prosperous Justice Party (PKS), National Awakening Party (PKB), and National Mandate Party (PAN); civil organization of Kongres Pemuda Indonesia and the Coordinating Ministry of Human Development

and Culture.

Supporting Discourse

Various ministries, universities, and human rights advocacy organizations (Setara Institute, Komnas HAM, LBH APIK) reacted positively regarding the regulation. Some of the discourse worth noting include the clear definition of sexual violence, which encompasses a broader range of violent behaviors, such as sexually staring at others and catcalling.

Another discourse was that the regulation would provide a legal foundation for the universities to prevent sexual violence and handle sexual violence. The articles, quoting the ministries and the organizations, asserted that there had been a gap in the existing law which was then completed by this regulation. The regulation is also said to be strengthening broader efforts to protect women and children by the Ministry of Women Empowerment and Child Protection and motivating the lawmakers to pass then the Anti-Sexual Violence Bill (RUU TPKS).

Furthermore, many universities supported the regulation, as reported in multiple news articles detailing commitments from institutions such as UI, ITB, UNESA, and UNRI to implement it. Many universities had used codes of conduct for sexual case handling earlier but stated their commitment to comply with the new regulation. Some universities have already planned to establish a task force (Satgas) to prevent and address sexual violence cases, as mandated by the regulation.

Another discourse associated with the regulation is its potential deterrent effect on perpetrators. As many sexual offenders tend to repeat their misconduct, according to the ministry the new regulation "would make them think twice".

Negative Response

While there were many positive discourses about the regulation, there were also some criticisms, primarily focusing on the term "without consent". To those opposing the

regulation, this term implied the regulation legalized consensual adultery or free sex.

This objection came from the Coordinating Ministry of Human Development and Culture which labelled the phrase as ambiguous. Major Islamic organizations, such as PP Muhammadiyah and PBNU, contended that the term “without consent” contradicted religious values, and several political parties (PAN, PKB, and PKS) called for revisions of the regulation, on the claims that it conflicted with cultural values and social norms.

Civil organization Kongres Pemuda Indonesia took a more reactive stance, asserting that the regulation promoted free sex and sent a legal warning to the ministry. Furthermore, vocal opposition led an ethnic group based in West Sumatra to file a judicial review with the Supreme Court, which was later turned down. Some of these opposing camp urged the Ministry of Education to engage in dialogue and consider revisions based on public feedback. The Ministry agreed to discuss but reiterated that the regulation had been through an extensive deliberation process involving many stakeholders, primarily from the universities.

The ministry also clarified that the regulation did not promote free sex or immorality, and such issues were not stipulated in the regulation. In support of this position, several universities and civil society organizations asserted that the regulation had been in line with the laws and was issued based on an appropriate procedure. Eliminating the term “without consent” was viewed as detrimental, as it might leave the victims vulnerable to further victimization.

Other Discourses

There were also other discourses related to the regulation, mostly centralized on the issue of implementation. One of the sources suggested that the ministry should provide detailed guidance for implementing the regulation. A civil organization suggested the mi-

nistry define a clear boundary between the authority of the university and legal enforcers when handling sexual violence cases.

Another emerging discourse was the magnitude of sexual violence in universities. The ministry, citing its report in 2020, claimed that 77 percent of lecturers acknowledged there had been sexual violence cases in their respective universities. This discourse links to another discourse about the impact on the victims, including trauma and dropping out of school.

Discussion: Consent, not the Content, is the Main Issue

From the perspective of the Discourse Coalition Framework (Hajer, 1993), the development of discourses proceeds through several steps, with the initial phase involving the formation of emerging discourse as a storyline. Two opposing coalitions surrounding the regulation of campus sexual violence have emerged. The first coalition was a network of the Ministry of Education, Culture, Research, and Technology, human rights organizations (Komnas HAM, Setara Institute, LBH Apik), universities, and other ministries (Ministry of Religious Affairs and Ministry of Women Empowerment and Child Protection). They came up with the storyline of the magnitude of sexual violence, asserting that the reported cases represent only the tip of the iceberg. The storyline also highlighted the gap within existing law that made the universities unable to prevent and solve sexual violence cases. Consequently, the necessity of the regulation story was developed into the positive support garnered by the ministry from the academic world.

In contrast, the second coalition consisted of discourse networks and actors opposing the regulation, primarily focusing on the phrase “without consent”. Their storyline was framed within the context of religious, cultural, and social values. The discourse originated with the objection of the youth wing of one of the biggest Islamic organizations PP

Muhammadiyah. Another big Islamic organization PBNU, and some Islamic-based political parties (National Mandate Party, Prosperous Justice Party, and National Awakening Party) also used similar storylines. These groups called upon the ministry to engage in discussion about the regulation and consider revisions. Their opposition had been further institutionalized through legal actions taken by civil organizations like Kongres Pemuda Indonesia, which issued a legal warning to the ministry demanding a revision, and an ethnic group in West Sumatera which filed a judicial review with the Supreme Court, requesting the court to remove the phrase “without consent”. The court later turned down the request.

The Ministry of Education emerged as the central figure of this discourse network, with its statements appearing in numerous news articles, reflecting high centrality in the discourse network. While the opposition concerning consent ranks prominently, the importance of the regulation in preventing and addressing sexual violence is equally significant. This result shows that intricate coalitions intertwine the educational realm, political field, and religious organizations. The formation of a discourse coalition should always be evaluated within a broader social, political, and cultural context. Policymakers should not adopt a purely positivistic view of the regulation; rather, they should recognize how language shapes perceptions of reality. The opposing factions framed their arguments using terms that imply the promotion of free sex and liberal views, suggesting that the regulation encourages adultery, and arguing that it contravenes religious and cultural values. This rhetorical framing raised doubts about whether the regulation’s objective of eradicating sexual violence outweighed potential violations of these values.

Preventing and addressing sexual violence are increasingly viewed as efforts transcending the academic sphere. The concept

has intertwined with socio cultural and religious values, leading some to perceive the regulation as detrimental to society. This narrative held considerable power, prompting various organizations to mobilize some efforts and engage in legal actions, even if these efforts did not yield tangible results. For a narrative or storyline to win the discourse, actors should consider moving beyond their immediate field and engage with broader political and social arenas. This finding underscores the importance of communication management in public policy. While the communication about the regulation surfaced months after its issuance, this study highlights the need for communication management during the preparation stage of a policy, taking into account external stakeholders (Gelders et al., 2006). However, the challenge lies in the fact that communication management in the early phase of policymaking is still in its infancy. Many institutions, including the government, tend to ignore the importance of anticipating problems that may arise due to the issuance of certain policies. For instance, research by Suci (2024) indicates that the government resorted to counter-narratives through social media or a press conference to safeguard the integrity of the government and mitigate negative repercussions.

In the context of media studies, this research implies that the mass media is heavily influenced by the discourse brought up by the actors. Instead of focusing critically on the content, online media tend to focus on the central debate about consent, neglecting the missing aspects in the regulation, such as the absence of clear definitions for weight sanctions, and the impact of non-retrograde applications of the regulation for old cases.

CONCLUSION

This study utilizing discourse network analysis elucidates the complex networks surrounding policy formation. A regulation issued in one sector potentially provokes reactions from

various other fields. Mass media, politicians, civil society organizations, activists, and religious organizations are a few stakeholders who might interpret a regulation, each developing their discourse that can potentially influence public opinions on the policy. Further studies are necessary to establish a communication management model that should be developed before issuing a regulation or policy. However, research on communication management within public policy remains in its infancy. Future studies might focus on this area by assessing policy communication within a broader social and political context. This research is not without limitations. The number of news articles analyzed for this research is relatively small, given the nascent nature of the issue. News articles on this regulation started to appear in November 2021, regardless of the regulation issued in August 2021. A time-series analysis would be necessary to map the discourse development over time.

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