

TRANSLATION

**REGULATION OF THE MINISTER OF EDUCATION, CULTURE, RESEARCH
AND TECHNOLOGY OF THE REPUBLIC OF INDONESIA**

NUMBER 30 / 2021

REGARDING

**PREVENTION AND HANDLING OF SEXUAL VIOLENCE IN HIGHER
EDUCATION ENVIRONMENTS**

BY THE GRACE OF GOD ALMIGHTY

MINISTER OF EDUCATION, CULTURE, RESEARCH AND TECHNOLOGY OF THE
REPUBLIC OF INDONESIA,

Considering : a. that every citizen has the right to protection from all forms of violence including sexual violence in accordance with Pancasila and the 1945 Constitution of the Republic of Indonesia;

b. that with the increasing sexual violence that occurs in community domains including higher education institutions, it will directly or indirectly have an impact on the suboptimal implementation of the Three Obligations of Higher Education and reduce the quality of higher education;

c. that in order to prevent and deal with sexual violence in universities, regulation is needed that guarantees legal certainty in the prevention and handling of sexual violence in universities;

d. that based on the considerations as referred to in letters a, b, and c, it is necessary to stipulate a Regulation of the Minister of Education, Culture, Research and Technology regarding the Prevention and Handling of Sexual Violence in Higher Education Environments;

Bearing in Mind : 1. Article 17 paragraph (3) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 7 of 1984 concerning Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (Convention on the Elimination of All Forms of Discrimination Against Women) (State Gazette of the Republic of Indonesia of 1999 Number 165, Supplement to the State Gazette of the Republic of Indonesia Number 3886);
3. Law Number 39 of 1999 concerning Human Rights (State Gazette of the Republic of Indonesia of 2003 Number 78, Supplement to the State Gazette of the Republic of Indonesia Number 4301);
4. Law Number 20 of 2003 concerning the National Education System (State Gazette of the Republic of Indonesia of 2003 Number 78, Supplement to the State Gazette of the Republic of Indonesia Number 4301);
5. Law Number 39 of 2008 concerning State Ministries (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 4916);
6. Law Number 12 of 2012 concerning Higher Education (State Gazette of the Republic of Indonesia of 2012 Number 158, Supplement to the State Gazette of the Republic of Indonesia Number 5336);
7. Law Number 8 of 2016 concerning Persons with Disabilities (State Gazette of the Republic of Indonesia of 2016 Number 69, Supplement to the State Gazette of the Republic of Indonesia Number 5871);
8. Government Regulation Number 53 of 2010 concerning Civil Servant Discipline (State Gazette of the Republic of Indonesia of 2010 Number 74, Supplement to the State Gazette of the Republic of Indonesia Number 5135);
9. Government Regulation Number 4 of 2014 concerning the Implementation of Higher Education and Higher Education Institutions Management (State Gazette of the Republic of Indonesia of 2014 Number 16, Supplement to the State Gazette of the Republic of Indonesia Number 5500);
10. Presidential Regulation Number 62 of 2021 concerning the Ministry of Education, Culture, Research and Technology (State Gazette of the Republic of Indonesia of 2021 Number 156);
11. Regulation of the Minister of Education, Culture, Research and Technology Number 28 of 2021 concerning Organization and Work Procedure of the Ministry of Education, Culture, Research and Technology (State Gazette of the Republic of Indonesia of 2021 Number 963);

DECIDING:

To stipulate : REGULATION OF THE MINISTER OF EDUCATION, CULTURE, RESEARCH AND TECHNOLOGY REGARDING PREVENTION AND HANDLING OF SEXUAL VIOLENCE IN HIGHER EDUCATION ENVIRONMENTS.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Ministerial Regulation, what is meant by:

1. Sexual Violence is any act that demeans, insults, harasses, and/or attacks a person's body and/or reproductive function, due to unequal power relations and/or gender, which results or may result in psychological and/or physical suffering including disrupting a person's reproductive health and losing the opportunity to carry out higher education safely and optimally.
2. Higher Education Institution is an educational unit that organizes higher education.
3. Prevention is an action/method/process carried out so that a person or group of people does not commit Sexual Violence at Higher Education Institutions.
4. Handling is an action/method/process to deal with Sexual Violence in Higher Education Institutions.
5. Examination is an action/method/process carried out by Higher Education Institutions to follow up on reports of Sexual Violence in Higher Education Institutions.
6. Student is a student at the tertiary education level.
7. Educator is an educated staff member who is qualified as a lecturer, instructor, and tutor who participates in organizing higher education.
8. Education Staff are members of the public who devote themselves and are appointed to support the implementation of higher education.
9. Campus Community are people who are active and/or work on campus.
10. Higher Education Institution Leaders are Rectors at Universities and Institutes, Chairs at Colleges, Directors at Polytechnics, Academies, and Community Academies.
11. The Three Obligations of Higher Education, hereinafter referred to as Tridharma, are the obligations of Higher Education Institutions to carry out education, research and community service.
12. Victim is a Student, Educator, Education Staff, Campus Community, and the general public who experience Sexual Violence.
13. Reported is a Student, Educator, Education Staff, Campus Community, and the general public who is suspected of committing Sexual Violence against the Victim.

14. The Task Force for the Prevention and Handling of Sexual Violence, hereinafter referred to as the Task Force, is part of the Higher Education Institution that functions as the center for the Prevention and Handling of Sexual Violence in Higher Education Institutions.

15. The Ministry is the ministry that administers government affairs in the field of education.

16. Minister is the minister who administers government affairs in the field of education.

Article 2

This Ministerial Regulation aims to:

- a. as a guide for Higher Education Institutions to formulate policies and take actions for the Prevention and Handling of Sexual Violence related to the implementation of Tridharma inside or outside campus; and
- b. to foster a humane, dignified, equal, inclusive, collaborative campus life, free from violence between Students, Educators, Education Staff, and the Campus Community in Higher Education Institutions.

Article 3

Prevention and Handling of Sexual Violence is carried out with the following principles:

- a. the best interests of the Victim;
- b. gender equality and justice;
- c. equality of rights and accessibility for persons with disabilities;
- d. accountability;
- e. independent;
- f. prudence;
- g. consistent; and
- h. guarantee of non-recurrence.

Article 4

The targets of Prevention and Handling of Sexual Violence include:

- a. Students;
- b. Educators;
- c. Education staff;
- d. Campus community; and
- e. the general public who interact with Students, Educators, and Education Staff in the implementation of Tridharma.

Article 5

(1) Sexual violence includes acts committed verbally, non-physically, physically, and/or through information and communication technology.

(2) Sexual Violence as referred to in paragraph (1) includes:

- a. conveying speech that discriminates against or insults the physical appearance, body condition, and/or gender identity of the Victim;
- b. deliberately showing their genitals without the Victim's consent;
- c. conveying words that contain innuendo, jokes, and/or whistles of a sexual nature to the Victim;
- d. looking at the Victim with sexual overtones and/or uncomfortably;
- e. sending messages, jokes, images, photos, audio, and/or videos with sexual overtones to the Victim even though the Victim has prohibited it;
- f. taking, recording, and/or distributing photos and/or audio and/or visual recordings of the Victim that are sexual in nature without the Victim's consent;
- g. uploading photos of the Victim's body and/or personal information that is sexual in nature without the Victim's consent;
- h. disseminating information related to the Victim's body and/or personal matters that are sexual in nature without the Victim's consent;
- i. peeking at or deliberately seeing the Victim who is carrying out private activities and/or in private spaces;
- j. persuading, promising, offering something, or threatening the Victim to carry out sexual transactions or activities that are not agreed upon by the Victim;

- k. giving punishment or sanctions that are sexual in nature;
- l. touching, stroking, groping, holding, hugging, kissing and/or rubbing parts of their body on the Victim's body without the Victim's consent;
- m. opening the Victim's clothes without the Victim's consent;
- n. forcing the Victim to carry out sexual transactions or activities;
- o. practicing the culture of Student, Educator and Education Staff communities that are sexual in nature;
- p. attempting rape, but penetration does not occur;
- q. committing rape including penetration with objects or body parts other than genitals;
- r. forcing or deceiving the Victim to have an abortion;
- s. forcing or deceiving the Victim to get pregnant;
- t. allowing Sexual Violence to occur intentionally; and/or
- u. committing other acts of Sexual Violence.

(3) The Victim's consent as referred to in paragraph (2) letters b, f, g, h, l, and m, is deemed invalid if the Victim:

- a. is underage according to the provisions of the legislation;
- b. is in a situation where the perpetrator threatens, forces, and/or abuses his/her position;
- c. is in a state under the influence of drugs, alcohol, and/or narcotics;
- d. is sick, unconscious, or asleep;
- e. has vulnerable physical and/or psychological conditions;
- f. experiences temporary paralysis (tonic immobility); and/or
- g. experiences shaken conditions.

CHAPTER II

PREVENTION

Part One

Prevention by Higher Education Institutions

Article 6

(1) Higher Education Institutions are required to carry out Prevention of Sexual Violence through:

- a. learning;
- b. governance strengthening; and
- c. strengthening the culture of the Student, Educator and Education Staff communities.

(2) Prevention through learning as referred to in paragraph (1) letter a is carried out by the Higher Education Institution Leader by requiring Students, Educators, and Education Staff to study the modules on Prevention and Handling of Sexual Violence determined by the Ministry.

(3) Prevention through governance strengthening as referred to in paragraph (1) letter b consists of at least:

- a. formulating policies that support the Prevention and Handling of Sexual Violence in Higher Education Institutions;
- b. establishing a Task Force;
- c. developing guidelines for the Prevention and Handling of Sexual Violence;
- d. limiting meetings between Students and Educators and/or Education Staff outside campus operating hours and/or outside campus areas;
- e. providing sexual violence reporting services;
- f. training Students, Educators, Education Staff, and Campus Communities regarding efforts to Prevent and Handle Sexual Violence;
- g. periodically disseminating guidelines for the Prevention and Handling of Sexual Violence to Students, Educators, Education Staff, and Campus Communities;
- h. installing information signs containing:
 1. listing sexual violence complaint services; and

2. a warning that the Higher Education Institution campus does not tolerate Sexual Violence;

i. providing adequate accommodation for persons with disabilities for the Prevention and Handling of Sexual Violence; and

j. cooperating with relevant agencies for the Prevention and Handling of Sexual Violence.

(4) Prevention through strengthening the culture of Student, Educator and Education Staff communities as referred to in paragraph (1) letter c is in the form of communication, information and education regarding the Prevention and Handling of Sexual Violence at least in the following activities:

a. introduction to campus life for Students, Educators and Education Staff;

b. student organizations; and/or

c. informal communication networks for Students, Educators and Education Staff.

Part Two

Prevention by Educators and Education Staff

Article 7

(1) Prevention of Sexual Violence by Educators and Education Staff includes:

a. limiting meetings with Students individually:

1. outside the campus area;

2. outside campus operating hours; and/or

3. for other interests apart from the learning process,

without the approval of the head/chair of the study program or department head; and

b. playing an active role in the Prevention of Sexual Violence.

(2) In the event that the Educator concerned is the head/chair of the study program or head of department, the approval as referred to in paragraph (1) shall be given by the supervisor of the head/chair of the study program or head of department concerned.

(3) The approval as referred to in paragraph (1) letter a is carried out under the following conditions:

- a. Educators and/or Education Staff submit written permission requests or through electronic communication media regarding plans to meet with Students; and
- b. the permission request as referred to in letter a is submitted to the head/chair of the study program or head of department before the meeting is held.

Part Three

Prevention of Sexual Violence by Students

Article 8

(1) Prevention of Sexual Violence by Students includes:

a. limiting meetings with Educators and Education Staff individually:

- 1. outside the campus area;
- 2. outside campus operating hours; and/or
- 3. for other interests apart from the learning process,

without the approval of the head/chair of the study program or department head; and

b. playing an active role in the Prevention of Sexual Violence.

(2) The approval as referred to in paragraph (1) letter a is carried out under the following conditions:

- a. Students submit written permission requests or electronic communication media regarding plans to meet with Educators and/or Education Staff; and
- b. the permission request as referred to in letter a is submitted to the head/chair of the study program or head of department before the meeting is held.

Article 9

Provisions regarding procedures for granting approval as referred to in Article 7 paragraph (3) and Article 8 paragraph (2) shall be determined by the Decree of the Higher Education Institution Leader.

CHAPTER III

HANDLING

Part One

General

Article 10

Higher Education Institutions are required to handle Sexual Violence through:

- a. assistance;
- b. protection;
- c. imposition of administrative sanctions; and
- d. recovery of Victims.

Part Two

Assistance

Article 11

(1) Assistance as referred to in Article 10 letter a is provided to Victims or witnesses who have the status of Students, Educators, Education Staff, and Campus Communities.

(2) Assistance as referred to in paragraph (1) is in the form of:

- a. counseling;
- b. health services;
- c. legal aid;
- d. advocacy; and/or
- e. social and spiritual guidance.

(3) In the event that the Victim or witness is a person with a disability, the assistance as referred to in paragraph (2) shall be provided by taking into account the needs of persons with disabilities.

(4) Assistance as referred to in paragraph (1) shall be provided based on the consent of the Victim or witness.

(5) In the event that the Victim is not possible to give consent as referred to in paragraph (4), consent may be given by the parents or guardians of the Victim or companion.

Part Three

Protection

Article 12

(1) Protection as referred to in Article 10 letter b is provided to Victims or witnesses who have the status of Students, Educators, Education Staff, and Campus Communities.

(2) Protection for Victims or witnesses as referred to in paragraph (1) is in the form of:

- a. guarantee of continuity to complete education for Students;
- b. guarantee of continued employment as Educators and/or Education Staff at the Higher Education Institution concerned;
- c. guarantee of protection from physical and non-physical threats from perpetrators or other parties or recurrence of Sexual Violence in the form of facilitating reporting of physical and non-physical threats to law enforcement officials;
- d. protection of identity confidentiality;
- e. provision of information on rights and protection facilities;
- f. provision of access to information on the implementation of protection;
- g. protection from attitudes and behavior of law enforcement officials that demean and/or reinforce stigma against Victims;
- h. protection of Victims and/or reporters from criminal charges;
- i. civil lawsuits for reported Sexual Violence events;
- j. provision of safe houses; and/or
- k. protection of security and freedom from threats related to the testimony given.

Part Four

Imposition of Administrative Sanctions

Article 13

(1) Imposition of administrative sanctions as referred to in Article 10 letter c shall be carried out if the perpetrator is proven to have committed Sexual Violence.

(2) Imposition of administrative sanctions as referred to in paragraph (1) shall be determined by the Decree of the Higher Education Institution Leader based on the recommendation of the Task Force.

Article 14

(1) Imposition of administrative sanctions as referred to in Article 13 consists of

- a. mild administrative sanctions;
- b. moderate administrative sanctions; or
- c. severe administrative sanctions.

(2) Mild administrative sanctions as referred to in paragraph (1) letter a are in the form of:

- a. written warning; or
- b. statement of written apology which is published internally on campus or mass media.

(3) Moderate administrative sanctions as referred to in paragraph (1) letter b are in the form of:

- a. temporary dismissal from position without obtaining position rights; or
- b. reduction of student rights including:
 1. delay in attending lectures (suspension);
 2. revocation of scholarships; or
 3. reduction of other rights.

(4) Severe administrative sanctions as referred to in paragraph (1) letter c are in the form of:

- a. permanent dismissal as a Student; or
- b. permanent dismissal from position as Educator, Education Staff, or Campus Community in accordance with the provisions of laws and regulations, from the Higher Education Institution concerned.

(5) After completing mild and moderate administrative sanctions as referred to in paragraphs (2) and (3), the perpetrator is required to attend a counseling program at an institution appointed by the Task Force.

(6) The cost of the counseling program as referred to in paragraph (5) shall be borne by the perpetrator.

(7) The counseling program report is the basis for the Higher Education Institution Leader to issue a certificate that the perpetrator has carried out the imposed sanctions.

Article 15

Imposition of sanctions as referred to in Article 14 shall be carried out proportionally and fairly according to the recommendations of the Task Force.

Article 16

(1) The Higher Education Institution Leader may impose administrative sanctions that are more severe than the administrative sanctions recommended by the Task Force.

(2) Imposition of more severe administrative sanctions as referred to in paragraph (1) shall take into account:

- a. the Victim is a person with a disability;
- b. the impact of Sexual Violence experienced by the Victim; and/or
- c. the Reported or perpetrator is a member of the Task Force, head/chair of the study program, or head of department.

Article 17

(1) In the event that the Higher Education Institution Leader does not have the authority to impose administrative sanctions, the Higher Education Institution Leader shall forward recommendations for administrative sanctions to the Minister through the director general in charge of higher education affairs in accordance with the authority.

(2) In the event that the Reported is the Higher Education Institution Leader and has been proven to commit Sexual Violence, the Task Force shall forward sanction recommendations to the Minister through the director general in charge of higher education affairs in accordance with the authority.

Article 18

The imposition of administrative sanctions as referred to in Article 14 does not override the imposition of other administrative sanctions and criminal sanctions in accordance with the provisions of laws and regulations.

Article 19

Higher Education Institutions that do not carry out Prevention and Handling of Sexual Violence shall be subject to administrative sanctions in the form of:

- a. termination of financial assistance or assistance for facilities and infrastructure for Higher Education Institutions; and/or
- b. downgrade of accreditation level for Higher Education Institutions.

Part Five

Recovery of Victims

Article 20

(1) Recovery for Victims as referred to in Article 10 letter d is in the form of:

- a. medical treatment;
- b. physical therapy;
- c. psychological therapy; and/or
- d. social and spiritual guidance.

(2) Recovery of Victims as referred to in paragraph (1) may involve:

- a. doctors/other health workers;
- b. counselors;
- c. psychologists;
- d. community leaders;
- e. religious leaders; and/or
- f. other companions as needed including the needs of Victims with disabilities.

(3) Recovery of Victims as referred to in paragraphs (1) and (2) shall be carried out based on the consent of the Victim.

(4) In the event that the reporting witness experiences secondary traumatic stress, recovery as referred to in paragraphs (1) and (2) may be provided based on the consent of the witness.

Article 21

The recovery period for Victims as referred to in Article 20 does not reduce the rights of Victims in the learning process, employment rights, or other rights in accordance with the provisions of laws and regulations.

Article 22

(1) In the event that the Victim or witness has the status of the general public, the Higher Education Institution may provide assistance, protection and/or recovery for the Victim or witness by involving the agency in charge of Handling Sexual Violence or institutions providing Sexual Violence Victim Handling services.

(2) In the event that the Victim or witness as referred to in paragraph (1) is underage according to the provisions of laws and regulations, the Higher Education Institution may provide assistance, protection and/or recovery for the Victim or witness by involving institutions in charge of child protection.

(3) Assistance, protection and/or recovery as referred to in paragraphs (1) and (2) shall be determined by the Higher Education Institution Leader.

CHAPTER IV

TASK FORCE FOR THE PREVENTION AND HANDLING OF SEXUAL VIOLENCE

Article 23

(1) In implementing Prevention and Handling of Sexual Violence, the Higher Education Institution Leader establishes a Task Force at the Higher Education Institution level.

(2) The Task Force as referred to in paragraph (1) is formed for the first time through a selection committee.

Article 24

(1) The selection committee as referred to in Article 23 paragraph (2) consists of an odd number of at least 3 (three) people and a maximum of 7 (seven) people.

(2) The selection committee as referred to in paragraph (1) takes into account the membership representation of women of at least $\frac{2}{3}$ (two thirds) of the total members.

(3) Members of the selection committee as referred to in paragraph (1) consist of elements:

a. Educators;

b. Education Staff; and

c. Students;

(4) Members of the selection committee as referred to in paragraph (1) must meet the following requirements:

a. have accompanied Victims of Sexual Violence;

b. have conducted studies on Sexual Violence, gender, and/or disability;

c. have participated in organizations inside or outside campus that focus on issues of Sexual Violence, gender, and/or disability; and/or

d. have never been proven to commit violence including Sexual Violence.

(5) The requirements as referred to in paragraph (4) shall be accompanied by the following administrative documents:

a. curriculum vitae;

b. letter of recommendation from superiors for prospective members from the Educator and Education Staff elements; and

c. letter of recommendation from Educator for prospective members from the Student element.

(6) The selection committee as referred to in paragraph (1) is ad hoc in nature.

Article 25

(1) The procedure for establishing and recruiting members of the selection committee as referred to in Article 24 includes:

a. The Higher Education Institution Leader recruits at least 10 (ten) prospective selection committee members and announces them;

b. prospective selection committee members as referred to in letter a will undergo training and selection held by the work unit at the Ministry that carries out the functions and duties of character strengthening;

c. the results of the training and selection as referred to in letter b are announced through the website of the work unit at the Ministry that carries out the functions and duties of character strengthening; and

d. prospective selection committee members who have participated in the training and selection as referred to in letter b will undergo a public trial process to obtain input from the community.

(2) The results of the establishment and recruitment of selection committee members as referred to in paragraph (1) shall be stipulated by the Decree of the Higher Education Institution Leader.

Article 26

The selection committee as referred to in Article 24 has the task of:

a. preparing technical selection guidelines for Task Force members;

b. carrying out the selection of Task Force members; and

c. recommending Task Force members to the Higher Education Institution Leader for stipulation.

Article 27

(1) Task Force membership comes from the relevant Higher Education Institution, consisting of elements:

a. Educators;

b. Education Staff; and

c. Students.

(2) The composition of the Task Force membership as referred to in paragraph (1) consists of:

a. chairperson concurrently member;

b. secretary concurrently member; and

c. members.

(3) Task Force members as referred to in paragraph (2) consist of an odd number of at least 5 (five) people.

(4) Task Force members as referred to in paragraph (2) take into account the membership representation of women of at least 2/3 (two thirds) of the total members.

Article 28

(1) The chairperson as referred to in Article 27 paragraph (2) letter a comes from the Educator element.

(2) The secretary as referred to in Article 27 paragraph (2) letter b comes from the Student or Education Staff element.

(3) Members as referred to in Article 27 paragraph (2) letter c are at least 50% (fifty percent) from the Student element.

Article 29

(1) The chairperson and secretary of the Task Force as referred to in Article 27 paragraph (2) letters a and b are elected from and by Task Force members by consensus with due observance of gender equality.

(2) Task Force members as referred to in Article 27 paragraph (2) must meet the following requirements:

- a. have accompanied Victims of Sexual Violence;
- b. have conducted studies on Sexual Violence, gender, and/or disability;
- c. have participated in organizations inside or outside campus that focus on issues of Sexual Violence, gender, and/or disability
- d. demonstrate interest and ability to work together as a team in carrying out Prevention and Handling of Sexual Violence at their Higher Education Institution; and/or
- e. have never been proven to commit violence including Sexual Violence.

(3) The requirements as referred to in paragraph (2) shall be accompanied by the following administrative requirement documents:

- a. curriculum vitae;
- b. results of interviews;
- c. letter of recommendation from superiors for prospective members from the Educator and Education Staff elements; and

d. letter of recommendation from Educator for prospective members from the Student element.

Article 30

(1) Task Force membership as referred to in Article 27 shall be stipulated by the Decree of the Higher Education Institution Leader no later than 1 (one) month after receiving the recommendation from the selection committee.

(2) Task Force members who have been appointed as referred to in paragraph (1) are required to participate in training held by the work unit at the Ministry that carries out the functions and duties of character strengthening.

Article 31

(1) The term of office of the Task Force is 2 (two) years and can be extended for 1 (one) subsequent period.

(2) Task Force membership ends because:

a. end of term of office;

b. passed away;

c. resigned;

d. no longer fulfilling the membership element as referred to in Article 27;

e. no longer fulfilling the requirements as a Task Force member as referred to in Article 29;

f. permanently absent for more than 6 (six) months; and/or

g. convicted based on a court decision that has permanent legal force.

Article 32

(1) The Higher Education Institution Leader conducts a selection no later than 3 (three) months before the end of the Task Force membership term.

(2) The selection mechanism as referred to in paragraph (1) shall be carried out in accordance with the technical selection guidelines as referred to in Article 26 letter a.

Article 33

(1) Replacement of Task Force membership as referred to in Article 31 paragraph (2) letters b to g shall be carried out by election by the Task Force.

(2) Task Force membership as referred to in paragraph (1) shall be determined by the Higher Education Institution Leader.

Article 34

(1) The Task Force has the duty to:

- a. assist the Higher Education Institution Leader in developing guidelines for the Prevention and Handling of Sexual Violence in Higher Education Institutions as referred to in Article 6 paragraph (3) letter c;
- b. conduct a Sexual Violence survey at least 1 (one) time in 6 (six) months at the Higher Education Institution;
- c. submit the results of the survey as referred to in letter b to the Higher Education Institution Leader;
- d. disseminate education on gender equality, disability equality, sexual and reproductive health education, as well as Prevention and Handling of Sexual Violence for Campus Communities;
- e. follow up on Sexual Violence based on reports;
- f. coordinate with units that handle disability services, if the report concerns Victims, witnesses, reporters, and/or Reported with disabilities;
- g. coordinate with relevant agencies in providing protection to Victims and witnesses;
- h. monitor the implementation of recommendations from the Task Force by the Higher Education Institution Leader; and
- i. submit reports on the activities for the Prevention and Handling of Sexual Violence to the Higher Education Institution Leader at least 1 (one) time in 6 (six) months or at any time if needed.

(2) In carrying out the duties as referred to in paragraph (1), the Task Force has the authority to:

- a. summon and request information from Victims, witnesses, Reported, companions, and/or experts;
- b. request assistance from the Higher Education Institution Leader to present witnesses, Reported, companions, and/or experts in the Examination;
- c. consult related parties regarding the Handling of Sexual Violence by taking into account the conditions, safety, and comfort of the Victim; and

d. cooperate with Higher Education Institutions related to reports of Sexual Violence involving Victims, witnesses, reporters, and/or Reported from the Higher Education Institution concerned.

Article 35

(1) Task Force members are required to uphold the Code of Ethics determined by the Higher Education Institution.

(2) The Code of Ethics as referred to in paragraph (1) constitutes norms and principles that must be adhered to by Task Force members in carrying out their duties.

(3) The Code of Ethics is an integration of values which include:

- a. guaranteeing the confidentiality of the identity of parties directly related to the report;
- b. guaranteeing the safety of Victims, witnesses and/or reporters; and
- c. maintaining the independence and credibility of the Task Force.

Article 36

Allegations of abuse of authority in:

- a. the selection committee member establishment and recruitment process as referred to in Article 25;
 - b. implementation of selection committee duties as referred to in Article 26;
 - c. the Task Force establishment process as referred to in Articles 29 and 30; and
 - d. implementation of duties and authority of the Task Force as referred to in Article 34,
- shall be reported to the Minister through the work unit at the Ministry that carries out the functions and duties of character strengthening.

Article 37

(1) The Higher Education Institution Leader shall facilitate the implementation of the duties and authorities of the Task Force as referred to in Article 34.

(2) Facilitation of the implementation of duties and authorities as referred to in paragraph (1) includes:

- a. provision of operational facilities and infrastructure;
- b. operational funding for Prevention and Handling;
- c. security protection for Task Force members; and
- d. legal assistance for Task Force members in dealing with legal issues related to the implementation of duties and authorities.

CHAPTER V

MECHANISM FOR HANDLING SEXUAL VIOLENCE BY THE TASK FORCE

Part One

General

Article 38

The Task Force handles reports of Sexual Violence through the mechanism of:

- a. report acceptance;
- b. Examination;
- c. preparation of conclusions and recommendations;
- d. recovery; and
- e. actions to prevent recurrence.

Part Two

Receiving Reports

Article 39

- (1) Reporting Sexual Violence is carried out by the Victim and/or reporting witness.
- (2) Reporting Sexual Violence as referred to in paragraph (1) shall be submitted through:
 - a. telephone;

- b. short electronic messages;
- c. electronic mail; and/or
- d. official website belonging to the Higher Education Institution.

(3) Reporting Sexual Violence as referred to in paragraph (2) shall be carried out with mechanisms that are easily accessible to persons with disabilities.

Article 40

(1) Receiving reports is carried out for any complaint originating from the Victim or reporting witness.

(2) In receiving reports, the Task Force shall:

- a. identify the Victim or reporting witness;
- b. arrange the chronology of the Sexual Violence event;
- c. examine documents/evidence submitted by the reporter;
- d. take inventory of the needs of the Victim and/or reporting witness; and
- e. provide information regarding the rights of Victims or reporting witnesses, Sexual Violence Handling mechanisms, possible risks to be faced and risk mitigation plans.

(3) The Task Force shall notify follow-up actions on Handling the report as referred to in paragraph (2) to the Higher Education Institution Leader.

Part Three

Examination

Article 41

(1) The Task Force shall examine reports of Sexual Violence.

(2) The Examination as referred to in paragraph (1) aims to collect information and/or documents related to reports of Sexual Violence.

(3) The Examination as referred to in paragraph (1) shall be conducted on Victims, witnesses, and/or Reported.

(4) In the event that the Victim, witness, and/or Reported is a person with a disability, the Task Force shall provide a disability companion and fulfill adequate accommodation.

(5) The Examination as referred to in paragraph (3) shall be conducted

Article 41

(1) The Task Force conducts an Examination of reports of Sexual Violence.

(2) The examination as referred to in paragraph (1) aims to collect information and/or documents related to reports of Sexual Violence.

(3) The examination as referred to in paragraph (1) is carried out on Victims, witnesses, and/or Reported Parties.

(4) In the event that the Victim, witness, and/or Reported Party are persons with disabilities, the Task Force provides disability assistance and fulfillment of proper accommodation.

(5) The examination as referred to in paragraph (3) is carried out in private.

(6) The examination as referred to in paragraphs (1) to (4) must be completed no later than 30 (thirty) working days.

(7) The results of the Examination as referred to in paragraph (3) are outlined in the minutes of the Examination.

Article 42

During the Examination as referred to in Article 41, the Leader of the Higher Education Institution may temporarily dismiss the education rights of the Reported Party who has the status of a Student or the work rights of the Reported Party who has the status of Educator, Education Personnel, and Campus Residents.

Article 43

The Task Force prepares conclusions and recommendations for handling Sexual Violence.

Article 44

(1) The conclusion as referred to in Article 43 contains a statement that is proven or unproven Sexual Violence.

(2) In the event that Sexual Violence is proven, the conclusion as referred to in paragraph (1) at least contains a description of:

- a. perpetrator identity;
- b. forms of Sexual Violence;
- c. assistance for Victims and/or witnesses; and
- d. protection for Victims and/or witnesses.

(3) In the event that Sexual Violence is not proven, the conclusion as referred to in paragraph (1) at least contains a description of:

- a. identity of the Reported Party;
- b. alleged Sexual Violence;
- c. summary of the Examination; and
- d. statement that Sexual Violence is unproven.

Article 45

(1) Recommendations in the event that Sexual Violence is proven as referred to in Article 44 paragraph (2) at least contain suggestions for:

- a. recovery of Victims;
- b. sanctions against perpetrators; and
- c. actions to prevent recurrence.

(2) In the event that Sexual Violence is not proven as referred to in Article 44 paragraph (3), the Task Force recommends the rehabilitation of the good name of the Reported Party.

Article 46

Recommendations as referred to in Article 45 are stipulated by Decree of the Leader of the Higher Education Institution.

Article 47

(1) The Task Force facilitates Recovery for Victims.

(2) The form of facilitating Recovery as referred to in paragraph (1) is in the form of:

- a. carrying out the recovery period for Victims during the period that has been determined by the Leader of the Higher Education Institution;
- b. cooperating with related parties for the provision of Victim Recovery;
- c. notifying related parties at Higher Education Institutions that:
 - 1. during the recovery period for Victims who are Students, it does not reduce the study period or is not considered study leave;

2. during the recovery period, Victims who have the status of Educators or Education Personnel obtain rights in accordance with statutory provisions; and/or
 3. Victims who are Students who experience academic backwardness, have the right to get additional academic guidance from Educators; and
 - d. monitoring the Victim's Recovery process and the development of the Victim's condition carried out through coordination with the Victim Recovery service provider.
- (3) Providing facilitation for Victim Recovery other than as referred to in paragraph (2) is carried out with the consent of the Victim.

Article 48

- (1) In the event that the Reported Party is not proven to have committed Sexual Violence, the Task Force provides recommendations to the Leader of the Higher Education Institution to rehabilitate the good name of the Reported Party.
- (2) The rehabilitation of the good name of the Reported Party as referred to in paragraph (1) is determined by the Decree of the Leader of the Higher Education Institution.

Article 49

- (1) Actions to prevent recurrence of Sexual Violence at least include improvements to:
 - a. learning as referred to in Article 6 paragraph (2);
 - b. governance strengthening as referred to in Article 6 paragraph (3); and
 - c. strengthening the culture of student, educator and education personnel communities as referred to in Article 6 paragraph (4).
- (2) Strengthening learning as referred to in paragraph (1) letter a can be in the form of:
 - a. developing module materials;
 - b. developing learning methodologies;
 - c. disseminating and socializing module materials intensively;
 - d. evaluating understanding of module materials; and/or
 - e. other activities in the context of preventing recurrence of Sexual Violence.
- (3) Improvement of governance strengthening as referred to in paragraph (1) letter b at least includes improving the formulation and implementation of Higher Education Institution policies on the Prevention and Handling of Sexual Violence.
- (4) Improvement of community culture strengthening as referred to in paragraph (1) letter c at least includes intensive socialization and education to Students, Educators, Education Personnel, and Campus Residents regarding the Prevention and Handling of Sexual Violence.

(5) The Task Force assists the Leader of the Higher Education Institution in taking preventive actions against recurrence of Sexual Violence as referred to in paragraphs (1) to (4).

Article 50

Further provisions regarding the mechanism for implementing Prevention and Handling of Sexual Violence, as well as the working mechanism of the Task Force are regulated by the Leader of the Higher Education Institution.

Article 51

(1) In the event that the Decree of the Leader of the Higher Education Institution as referred to in Article 46 is deemed unfair, the Victim or Reported Party has the right to request a re-Examination.

(2) The request for re-examination as referred to in paragraph (1) is submitted through the Ministry's reporting channel.

Article 52

(1) Re-examination is carried out by the director general in charge of higher education affairs in accordance with authority.

(2) The results of the re-examination as referred to in paragraph (1) are in the form of:

a. strengthening the Decree of the Leader of the Higher Education Institution as referred to in Article 46; or

b. providing recommendations to the Leader of the Higher Education Institution to:

1. amend the Decree of the Leader of the Higher Education Institution; or

2. cancel the Decree of the Leader of the Higher Education Institution,

as referred to in Article 46.

(3) Recommendations to the Leader of the Higher Education Institution to amend the Decree of the Leader of the Higher Education Institution as referred to in paragraph (2) letter b number 1 are in the form of aggravating or lightening sanctions in the Decree of the Leader of the Higher Education Institution.

(4) Recommendations to the Leader of the Higher Education Institution to cancel the Decree of the Leader of the Higher Education Institution as referred to in paragraph (2) letter b number 2 are in the form of revocation of the Decree of the Leader of the Higher Education Institution accompanied by follow-up actions:

a. rehabilitation of the good name of the Reported Party; or

b. imposition of administrative sanctions on the Reported Party.

(5) The decision on re-examination by the director general in charge of higher education affairs in accordance with authority as referred to in paragraph (1) is final.

(6) Technical guidelines for re-examination are determined by the director general in charge of higher education affairs in accordance with authority.

Article 53

(1) Victims of Sexual Violence in Higher Education have the right to:

- a. be guaranteed the confidentiality of their identity;
- b. request assistance, protection and/or recovery from Higher Education through the Task Force; and
- c. request information on the progress of handling reports of Sexual Violence from the Task Force.

(2) Witnesses to Sexual Violence in Higher Education have the right to:

- a. be guaranteed the confidentiality of their identity; and/or
- b. request assistance, protection and/or recovery.

Article 54

(1) The Leader of the Higher Education Institution is required to monitor and evaluate the Prevention and Handling of Sexual Violence carried out by the Task Force.

(2) Reports on the results of monitoring and evaluation as referred to in paragraph (1) are submitted to the Minister through the work unit at the Ministry that carries out the functions and duties of character strengthening at least 1 (one) time in 6 (six) months or at any time if needed.

(3) Reports on the results of monitoring and evaluation as referred to in paragraph (2) contain:

- a. Sexual Violence Prevention activities;
- b. results of surveys conducted by the Task Force;
- c. Sexual Violence reporting data;
- d. Sexual Violence Handling activities; and
- e. activities to prevent recurrence of Sexual Violence.

Article 55

(1) In the event that the Leader of the Higher Education Institution does not carry out the obligations as referred to in Article 54, administrative sanctions are imposed in the form of:

- a. written warning for the Leader of the Higher Education Institution; or
- b. dismissal from office for the Leader of the Higher Education Institution.

(2) Imposition of administrative sanctions as referred to in paragraph (1) is carried out in accordance with statutory provisions.

Article 56

The Minister can at any time monitor and evaluate the Prevention and Handling of Sexual Violence in Higher Education Institutions in the event of Sexual Violence which:

- a. large scale;
- b. the Victim's condition is critical;
- c. the Victim is in a different country area or cross-jurisdiction; and/or
- d. involves perpetrators who because of their duties and positions have the authority to prevent and handle Sexual Violence in Higher Education Institutions.

Article 57

On the effective date of this Ministerial Regulation:

- a. Task Forces that handle Prevention and Handling of Sexual Violence that already exist in Higher Education must adjust to the provisions of this Ministerial Regulation no later than 1 (one) year; and
- b. Higher Education Institutions that do not yet have a Task Force must form a Task Force based on the provisions of this Ministerial Regulation no later than 1 (one) year from the promulgation of this Ministerial Regulation.

Article 58

This Ministerial Regulation comes into force on the date of promulgation.

In order for everyone to know, ordering the promulgation of this Ministerial Regulation by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta on August 31, 2021

MINISTER OF EDUCATION, CULTURE
RESEARCH, AND TECHNOLOGY
REPUBLIC OF INDONESIA,

signed

NADIEM ANWAR MAKARIM

Promulgated in Jakarta on September 3, 2021