

## LAW ENFORCEMENT AND THE ROLE OF EDUCATIONAL INSTITUTIONS IN HANDLING CASES OF SEXUAL HARASSMENT IN INTERNSHIPS AND THE WORKPLACE: VICTIM PERSPECTIVES AND POLICY RECOMMENDATIONS

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### ABSTRACT

*This research investigates the victim's viewpoint about the efficiency of the judicial system as well as the function of offices and educational institutions in addressing sexual harassment instances that occur in internship and employment settings. using the normative juridical approach of legal study to examine how normative legal rules are applied in each unique legal situation that arises in society. As a result, the literature review and different approaches to comprehending the nation's positive laws serve as the study's main foci. The present research further delineates many obstacles encountered by victims while attempting to get justice and proposes multiple measures for policy enhancement to enhance safeguarding and assistance for sexual harassment victims. In order to avoid and address harassment instances more skilfully, the recommended policy changes include bolstering reporting procedures, providing victim rights counselling, and enhancing training for office managers and educational personnel. It is anticipated that the findings of this research will aid in the creation of more accommodating and sensitive regulations addressing the problem of sexual harassment in internship and employment settings.*

**KEYWORDS** Harassment, institutions, education, policy.



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### INTRODUCTION

One way to improve and expand the number and quality of human resources is through internship practices. Through internships, students will be equipped with the theoretical and practical skills they need to enter the workforce after graduating

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from school. Permendikbud No. 3 of 2020 concerning National Standards for Higher Education is the legal basis for this program. Not only students and learners who participate in internship programs, but also graduates who want to advance their careers before joining the workforce. The law on internships in Indonesia can be found in Law No. 13 of 2003 concerning Manpower, Articles 21 to 29. The Job Creation Law does not change or delete these articles, therefore these articles are still valid today.

However, as the author's questionnaire reveals, incidents of sexual harassment in internships or in the workplace are still frequent and, unfortunately, are currently gaining more and more attention around the world. According to the explanation of Article 5 of Law No. 12 of 2022, "non-physical sexual acts" are defined as inappropriate statements, gestures, or activities that lead to sexuality with the intention of degrading or humiliating. Therefore, sexual harassment is not limited to physical touch as defined in Article 6 of Law No. 12 of 2022. In addition, perpetrators of non-physical sexual harassment can be threatened with a maximum penalty of 9 months in prison and/or a maximum fine of IDR 10 million, in accordance with Article 5 of the Law on the Elimination of Sexual Violence.

One of the places most vulnerable to sexual harassment both physically and non-physically is the workplace (Allgeier & Allgeier, 1991). According to data from Magley et al. (1999) and Offerman & Malamut (2002), between 40 and 50 percent of female employees in the United States report having experienced sexual harassment in the workplace. Komnas Perempuan also reported that at least 4,179 incidents of sexual violence occurred in Indonesia between 2022 and 2023. The researcher conducted a survey with nine respondents from their neighborhoods, 22.2% of whom were men and 77.8% of women. The average age of respondents ranged from 20 to 30 years old, so 22.2% of them were permanent employees and 77.8% were interns when they experienced this. Unfortunately, the survey results show that 77.8% of incidents of sexual violence occur in government offices, with the majority of 77.8% in the form of inappropriate language or comments, 44.4% in the form of unwanted physical touch, and the rest in the form of requests or pressure to engage in sexual activity. The poll also revealed that 33.3% of sexual assaults were committed by supervisors, 33.3% by co-workers and interns, and the rest were committed by guests, Klein, and other people.

Despite the many legislative initiatives in Indonesia to address sexual harassment incidents, difficulties in enforcing the law and protecting victims remain a major problem. Therefore, it is crucial to include the victim's point of view when assessing the efficiency of the legal system and the role played by educational institutions in resolving these kinds of cases. Sexual harassment in the workplace or during internships is a significant issue that must be addressed, especially as it relates to victim protection laws. Article 418 paragraph (2) of Law I/2023, which states that sexual harassment is punishable by a maximum prison sentence of 12 years, regulates this case under Indonesian criminal law. An official who engages in fornication with his subordinates or with a person assigned to take care of him; or b. a physician, educator, staff member, administrator, or other person who is a subordinate or person assigned to care for it. A person who engages in pornographic behavior with a person who is being treated in a correctional facility, state facility,

educational home, nursing home, mental health facility, or social home is considered an offender if they are a doctor, educator, staff member, administrator, or officer of such facilities. In addition, before the 2026 regulation, this was regulated in Article 294 paragraph (2) of the old Criminal Code. This provision states that any person who is found guilty of committing an obscene act with his or her own child, stepchild, adopted child, child under his or her minor supervision, or with a minor person under his or her immature care, education, or guardianship, shall be sentenced to a maximum of seven years in prison. The following will be subject to the same punishment: 1. An official who engages in obscene conduct with a person who is under his authority or whose care or guardianship he has released.

It is important to assess how well this article applies to situations involving sexual harassment in an internship or job. This includes determining whether the sanctions imposed are sufficient to protect victims and prevent future violations. Additionally, it is crucial to evaluate how educational institutions can better handle incidents and reporting procedures while working closely with relevant stakeholders to provide fairer and more effective protection for all parties.

The rights of students participating in the Merdeka Learning Campus internship program must be upheld, according to a study by Dinda Ayu Eka Shinta (2022) entitled "The Rights of Students Participating in the Internship Program at the Merdeka Learning Campus." These rights include the right to legal protection from sexual and non-sexual violence and other rights. This research is different from other studies mainly because it focuses on the rights and interests of MBKM students.

In his research entitled "Legal Protection of Women as Victims of Sexual Harassment in the Workplace," Rizki Pratama Kamarulah (2021) This research discusses the legal protection available to women who are victims of sexual harassment in the workplace. This study also discusses the general legal protection that can be obtained by women who experience sexual harassment in the workplace. The study also resulted in recommendations for new regulations that should be added to more detailed discussions on sexual harassment, especially those relating to women, including how to handle cases of sexual harassment and the application of sanctions. The main difference between this study and the others is that it focuses on office workers and not on students or educational institutions.

## **RESEARCH METHODS**

This study examines the adoption or application of normative legal provisions in every unique legal event that occurs in society from a normative juridical perspective. As a result, a literature review and various approaches to understanding the positive laws and regulations that apply in the country became the main topic of this research.

Article 418 paragraph (2) of Law I/2023 and Article 294 paragraph (2) of the Criminal Code are relevant laws and regulations that are studied or researched in this case in order to use the statute approach method used in this study. Textual data contained in the linked sites and data from questionnaires sent by the researcher are the source of data for this research.

## **RESULT AND DISCUSSION**

### **The victim's perspective on law enforcement and the role of educational institutions in the case of sexual harassment at the internship/workplace?**

It can be inferred from the research using the questionnaire "Anonymous Questionnaire on Experiences of Sexual Harassment in the Workplace or Workplace" that many victims of sexual harassment still believe that the current legal system is still far from their expectations in terms of justice. Long legal procedures are one of several elements that contribute to victims' perception that the existing justice system is not up to their expectations in terms of providing justice. Victims often experience frustration due to protracted procedures as they have to wait years to get answers to their cases or to get a verdict. Additionally, things can get worse if no psychological assistance is provided during the judicial procedure. Usually victims do not get enough emotional help, which can exacerbate trauma and stress. In addition to making victims feel abandoned, protracted and convoluted legal procedures also worsen their emotional state as it forces them to deal with protracted suffering and uncertainty.

Another major obstacle is the inability to build a case through legal channels. Because sexual harassment often occurs secretly and without eyewitness testimony, it can be difficult to obtain the necessary evidence. For victims, this often causes deep exasperation, especially if they feel that the court's decision was unfair or that the settlement was inadequate. This frustration is often accompanied by difficulties in filing lawsuits, which are often caused by ignorance of their rights. Many victims fear social shame and potential retaliation from the perpetrator, or they don't know the proper procedure for reporting. Victims often experience confusion and do not know who to report the incident to as a result of this lack of clarity. Victims often feel trapped in a position they cannot avoid.

In addition, often the justice system is considered insufficient to protect victims. For example, victims' identities are often not protected, which puts them in danger of shame and social exclusion. Victims' trust in the justice system is sometimes undermined by dismissive reactions from officials or superiors they trust to tell their stories. Many victims believe that existing laws are too narrow or insufficient to handle the unique circumstances surrounding incidents of sexual harassment in the workplace or during internships. They may argue that the existing regulations do not adequately account for all the intricacies and complexities surrounding sexual harassment in the workplace. For example, the power dynamics that often play a large role in sexual harassment cases are often ignored by relevant legislation. In many organizations, the abuser may be in a dominating position, such as a supervisor or highly influential co-worker, and they may be able to control or influence the way the case is handled. Therefore, victims often feel that the legal system is incapable of providing meaningful protection and justice to them because it does not consider how hierarchy and power in the workplace can worsen their situation. Because of the gaps in these regulations, victims may feel unheard of and unprotected at work or during internships.

Victims want a more accommodating and open justice system. They want a justice system that works faster, handles cases fairly, provides more psychological

assistance during the legal process, and takes what happens to them seriously. Educational institutions are required to be proactive and brave in resolving and preventing sexual harassment. Training on sexual harassment and knowledge of workers' rights can help avoid similar incidents and better equip victims to deal with the problem. External variables can also affect the incidence of sexual harassment against students, because internal elements of the campus are not always the only cause. For example, parental negligence can leave their child helpless and exposed, or it may be the result of someone's malicious intentions and desire to harass others. Sexual abuse has serious consequences that include depression, social isolation, and even a loss of confidence and motivation to pursue education. Many institutions in Makassar revealed that they could not find external variables related to student sexual harassment. Furthermore, there were no complaints of harassment incidents that occurred outside the campus submitted by students. However, the delay in student departure time is one of the things that has the potential to trigger sexual harassment outside the campus. This is a serious problem because it makes people more vulnerable and increases the likelihood of sexual harassment outside of campus. The effectiveness of the Regulation of the Minister of Education, Culture, Research, and Technology of the Republic of Indonesia Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence in Higher Education has not been ascertained from a legal perspective. This is because in the early stages of the implementation of the regulation has been fully implemented. Many universities have just held a Task Force in accordance with this law because it is still relatively new. On the other hand, there are universities that do not intend to hold a Task Force at all, while there are also those who are in the process of holding it.

### **Policy recommendations to improve law enforcement and the role of educational institutions and offices in handling cases of sexual harassment in internships/workplaces**

Permendikbud No. 30 of 2021 concerning the Prevention and Handling of Sexual Violence in Higher Education (PPKS) states that legal effectiveness in providing legal protection for victims of sexual harassment in the internship environment is very important to overcome sexual harassment, especially for students participating in internships or other similar programs organized by educational institutions.

Legal protection in internships based on the Permendikbud is the reporting of cases of sexual violence experienced by interns, as well as the provision of legal protection and assistance by the campus through the sexual violence prevention task force. In the context of internships, students remain the responsibility of universities or educational institutions.

Furthermore, universities are required to form a Task Force for the Prevention and Handling of Sexual Violence (PPKS Task Force) in accordance with Permendikbud No. 30. The Task Force provides clear reporting pathways and protection to interns from unintended impacts, such as harm to their future at school or the workplace. Permendikbud No. 30 of 2021, in closing, further emphasizes the need to provide psychological and legal support for victims of sexual harassment.

In this case, the capacity of educational institutions to provide resources such as licensed psychologists to assist with victim recovery and free legal aid for students who are victims of sexual violence while their cases are in court is an indication of their legal efficiency.

The legal system, educational institutions, and workplace management are just a few sectors that need to pay close attention to sexual harassment in the workplace and in internships. The following debate offers policy ideas to improve the efficiency of law enforcement and strengthen the role of offices and educational institutions in dealing with sexual harassment situations, given the complexity and sensitivity of these cases.

**Accelerating Legal Procedures.** To shorten the time it takes to get legal action, the legal system must be improved. Faster and more transparent reporting processes, such as the creation of task forces to handle sexual harassment complaints from witnesses or victims, are examples of policies that can be implemented. Don't stop at reporting without following up. The purpose of the task force is to improve the ability of law enforcement agencies to handle cases quickly by recruiting personnel not from the surrounding environment (such as civil servants or other employees), but from outside parties or psychological services. Usually, especially in government institutions, there is a sense of reluctance if the perpetrator of the action is a boss and problem solving tends to be convoluted and bureaucratic that is too complicated. This requires further training for law enforcement personnel in dealing with sexual harassment allegations and adequate funding.

It is essential to guarantee that victims receive adequate psychological assistance during the judicial process. The psychology of the victim must be taken into account in addition to the firmness and timeliness of handling the case. Policies should include provisions for offering counseling to victims and other forms of emotional support, as well as stronger identity protection to protect against social stigma and retaliation. Not only do office procedures and legal processes need to be improved, but educational institutions play an important role in avoiding sexual harassment by offering thorough instruction and training to students, interns, and staff. It is essential for educational institutions to create a curriculum that not only provides students with a thorough understanding of the rights of victims of sexual abuse, but also offers helpful advice on how to report incidents of abuse and self-defense techniques, in order to maximize the effectiveness of these roles. Institutions can provide people with the information they need to defend themselves and report incidents successfully by integrating these resources into the curriculum.

### **Legal Reform for Victim Protection**

#### **a. Proposed regulatory changes to strengthen victim protection**

The applicable laws and regulations need to be revised to increase protection for victims of sexual harassment. A more detailed and precise definition of sexual harassment needs to be included in this version so that different types of harassment—both physical and non-physical—can be legally recognized and addressed. The legal concept of sexual harassment in Indonesia is currently still somewhat limited, often limiting its meaning to actions involving coercion or

violence. This definition needs to be refined to ensure that no type of harassment goes unnoticed by law or is not legally protected. In an effort to create a deterrent effect and stop similar violations from occurring in the future, these changes should also include the inclusion of harsher penalties for sexual harassment offenders. The affirmation of victims' rights in the justice system is also very important in this context. It is important to guarantee that victims have appropriate protections during the legal process, including the right to legal aid, identity protection, and the right to be treated with dignity and impartiality. Establishing comprehensive and inclusive rules will not only contribute to the prevention of sexual harassment but also ensure that victims get the justice they deserve and increase public confidence in the justice system.

It is essential to issue specific regulations against sexual harassment in the apprenticeship and employment environment in addition to updating general laws. In the workplace and internships, the power dynamics are often unbalanced, which allows those in authority to abuse their influence. Therefore, a clear and strict zero-tolerance policy against sexual harassment should be implemented by organizations or companies under this specific regulation. These policies should include appropriate victim handling protocols, such as a secure and accessible reporting system, and provide an open, fair, and transparent investigative process. It is hoped that by imposing these restrictions, victims will feel more comfortable reporting and will not be afraid of losing their jobs or positions in the organization. Additionally, it is crucial to closely monitor how these policies are implemented. Businesses and organizations need to ensure that they follow the established guidelines, and those who ignore or violate these policies will face consequences. Good oversight will ensure that these laws are adhered to in practice and not just as written guidelines, resulting in a workplace free from sexual harassment.

b. Increased victims' access to more inclusive legal support

Governments and legal institutions have an important responsibility to provide free legal aid to victims of sexual harassment. This legal aid must include assistance from the reporting stage to the judicial process, so that victims get maximum and fair legal protection. In many cases, victims of sexual harassment often feel intimidated by the complicated and costly legal system, so many of them are reluctant to report the case or even choose not to continue with the legal process. With inclusive and free legal aid, all victims, including those with weak economic conditions, can have equal access to justice. This will reduce existing disparities and ensure that justice is accessible to all levels of society, regardless of their economic background. In addition to helping victims understand the legal rights and legal process required, this legal aid can also provide them with much-needed moral and psychological support during these horrific events. Establishing integrated treatment centers for victims of sexual abuse in various locations is also important to support these efforts. Victims will be able to access different types of integrated and comprehensive assistance at this integrated service center. Legal support to help victims navigate the legal system, psychological rehabilitation to improve their mental and emotional state, and counseling to help victims recover from the psychological trauma they have experienced should all be offered at these

centers. This integrated service center eliminates the need for victims to undergo convoluted procedures or travel a lot to get the help they need. All the services they need are available to them in one safe and friendly place that is meant to help them. This can significantly reduce the anxiety and confusion that victims of sexual abuse often experience and guarantee that they receive comprehensive and ongoing care for their recovery.

### **Strengthening the Capacity of Law Enforcement Officials**

#### **a. Special training for law enforcement officials in handling sexual harassment cases**

In order to be more competent and sensitive in handling sexual and gender harassment situations, law enforcement personnel must continue their training in this area. A thorough understanding of the different forms of sexual abuse, its impact on victims, and techniques for handling cases in an affectionate and competent manner should be included in this course. Law enforcement officers must be aware of the gender context and power dynamics that often arise in cases of sexual harassment to understand the psychological and emotional impact experienced by victims in addition to legal issues. Law enforcement personnel will be better able to handle sexual harassment cases if they receive appropriate and ongoing training, which will also ensure that their actions complement the legal system and take into account the needs and sentiments of victims. In addition to receiving extensive training on the issue of sexual harassment, law enforcement personnel must also receive training in victim-centered investigative procedures. This strategy should ensure that the investigation process is carried out with respect for the privacy and dignity of the victim and without blaming the victim. In addition to discussing the need to protect the anonymity of the victim during the legal process, this training should also provide interview techniques that prevent the victim from further pain. Law enforcement personnel need to be taught how to listen to victims with compassion, refrain from asking investigative questions or act judgmentally, and ensure victims are fully supported during the court process. Therefore, the investigation process must prioritize protection and compensation for victims in addition to collecting evidence, so that they do not experience neglect or abuse at the hands of the law.

#### **b. Increasing legal awareness and understanding of gender issues in law enforcement**

Integrating gender issues and legal knowledge into law enforcement training curricula is critical. Law enforcement officers need to be well versed in these topics in order to handle sexual harassment claims fairly and efficiently, given the complexity of these cases, which often involve complex gender relationships. Law enforcement officers can reduce prejudices that can affect the way cases are handled by having a greater awareness of gender, stereotypes, and disparities that can affect the legal system. In addition to ensuring that law enforcement is conducted in a fair and inclusive manner, structured and ongoing education and training will help law enforcement professionals become more responsive and attentive to the needs of victims. To further assist victims in their pursuit of justice, sexual harassment must be seen as a serious crime that cannot be ignored or underestimated. It is essential



to carry out public awareness campaigns and legal education on sexual harassment and gender issues in addition to efforts to educate law enforcement personnel. These efforts need to target a wide range of members of society, especially weaker demographics such as women and interns who are often victims of sexual harassment. People will have a better understanding of their legal rights—including self-defense strategies and what to do in the event of sexual harassment—through these advertisements. In addition to creating a safer and more supportive atmosphere for everyone, inclusive and disseminated legal education can contribute to the development of a more law-aware society where everyone recognizes the value of upholding the rights of others. It is hoped that better legal knowledge will increase in society which will help manage sexual harassment situations and give victims more confidence and support to speak out about their experiences.

### **Increasing Access to Justice for Victims**

#### **a. Establishment of a fast-track for handling sexual harassment cases**

In order for sexual harassment cases to be handled more quickly and ensure that everyone gets fair justice, the justice system needs to create courts or special sections that only deal with cases like this. Judges and police in these courts or sections must be trained in handling sexual and gender harassment issues so that they can handle cases with care and understanding. Sexual harassment cases can be handled more quickly with special fast lanes, so victims do not have to wait long to get justice. This not only speeds up the court process, but also makes the process less stressful and difficult for the victim. Specially trained judges and police can ensure that each case is handled with the utmost care and respect. This gives clients peace of mind and trust in the justice system to protect their rights. Victims of sexual harassment should more easily report cases by setting up courts or special sections and making the reporting process safe and easy. The reporting process should be done in a way that keeps people from experiencing more stress and ensures that reports can be made quickly and without fear. Providing people with online reporting tools and dedicated phone lines makes it easier for them to report crimes without having to deal with problems or stress that worsens their situation. The names of the victims should be kept confidential and secure, and these services should provide them with the help and support they need when they report. More people will report sexual harassment if there is an effective and victim-friendly way to do it. It will also ensure that cases are handled quickly and in a way that causes as little additional stress as possible for the victim.

#### **b. Victim identity protection and privacy enforcement**

Ensuring the safety and privacy of victims during the judicial process requires strict laws regarding data protection and identification of victims of sexual harassment. To avoid stigmatization and the adverse effects that may arise from the disclosure of identity, the identity of the victim must be fully protected, both in the media and in court. With the assurance of this protection strategy, victims can report and get involved in the justice system without fear of adverse repercussions from society. Victims seeking justice will feel more empowered and supported if there are strict and unambiguous laws regarding data protection, as they will not have to worry about further harm to their safety and reputation. A 'Anonymity' policy for

victims in the legal system is essential, even more important than data privacy. This policy guarantees that the victim's identity will be kept confidential during the trial, among other things, by using pseudonyms in official documents and implementing special measures to protect the privacy of the victim during the trial. This anonymity policy reduces the psychological distress that victims may experience while making them feel safer and more secure. By taking these steps, victims do not have to face extra pressure from the public or the media and can concentrate more on legal procedures. Because they don't have to worry about how it will affect their personal lives, victims of sexual harassment are also more likely to disclose incidents when they are protected by anonymity.

### **Model of Cooperation between Law, Education, and Workplace Institutions**

Effective coordination between legal authorities, educational institutions, and the workplace is essential in handling sexual harassment cases. If combined, these three sectors can provide a wider safety net for victims. In addition to case management and prevention, this collaborative approach also includes the development of overarching policies and ongoing evaluation procedures. Below, we'll discuss some of the key elements of this collaborative approach.

#### **a. Increased Collaboration Between Institutions**

Expanding cooperation between academic institutions, legal organizations, and the commercial sector is essential to resolve the sexual harassment situation comprehensively. Creating strategic partnerships across these three industries allows for a more coordinated and successful strategy to solve these problems. These partnerships can take many different forms, such as the formation of collaborative committees, joint training, and the creation of mutually supportive policies. For example, models of cross-sector cooperation have been effectively adopted in a number of countries. For example, the "Safe Work Australia" approach in Australia combines multiple stakeholders in the prevention and management of sexual harassment in the workplace. Within this paradigm, policies and procedures that promote worker protection are developed in collaboration with the public and commercial sectors and non-governmental organizations. This concept will only work if everyone involved can work well together and coordinate their efforts to provide a safe work environment. Furthermore, initiatives such as the "Campus Sexual Assault Victims' Bill of Rights" in the U.S. demonstrate how the legal and academic sectors can collaborate to protect and help victims on campus. By working closely with academic institutions, law enforcement departments, and advocacy groups, the initiative has successfully established appropriate guidelines for dealing with sexual harassment allegations and improving victim protection.

#### **b. Integrated Policy Development for Prevention and Response**

An important first step in building a successful protection system is to formulate a comprehensive, integrated policy. Prevention, treatment, and assistance for victims of sexual abuse in educational and professional settings should be included in this comprehensive policy. A number of important components are recommended for creating such policies, including establishing appropriate reporting guidelines, educating personnel, and implementing victim protection measures. The United Kingdom's unified policy, established under the "Equality

Act 2010," addresses protection against sexual harassment and discrimination both in the workplace and in educational settings. The law mandates that companies and educational institutions have strict rules against sexual harassment and that workers and students receive training in this area. Further, the law establishes clear guidelines and reporting processes for handling incidents. Case examples from certain institutions, such as Harvard University in the US, demonstrate the effective implementation of integrated strategies. Harvard's "Harvard Sexual and Gender-Based Harassment Policy," created by the university, outlines procedures for stopping, disclosing and handling cases of sexual harassment. The purpose of this policy is to uphold the rights of victims and ensure that cases are handled fairly and seriously. To implement this policy, personnel must receive frequent training, victims must have access to assistance, and the efficacy of the policy must be evaluated.

## CONCLUSION

A strong legal framework to deal with allegations of sexual harassment in educational institutions, including internship sites, is provided by Permendikbud No. 30 of 2021. This regulation, in general, aims to prevent and deal with sexual violence through preventive measures, the establishment of Task Forces (Task Forces), the development of clear reporting channels, and the provision of victim protection. Overall, the ability of educational institutions based on Permendikbud No. 30 of 2021 to handle cases of sexual harassment in internships seems to be improving, but there is still room for improvement in terms of implementation, cross-sector coordination, and increased awareness of victims' rights.

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