



Critical Discourse Analysis on the Regulation of the Minister Number 30 of 2021 Concerning the Prevention of Sexual Violence

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Abstract

Indonesian education so far has kept a problem that has not received the attention of all stakeholders, namely sexual violence that occurs to students. Victims are faced with the power relations of educational institutions whose reputation is tarnished because of cases of sexual violence. The existence of social media as a social driver is able to mobilize cases of sexual violence on Campus to become a national issue. This prompted the Ministry of Education and Culture to issue Ministerial Regulation no. 30 of 2021 concerning the prevention and handling of sexual violence in universities. This research focuses on critical discourse analysis of this Ministerial Regulation. This research is a descriptive-qualitative research type. To gain comprehensive power of qualitative research analysis, the research phase requires the power of reason which is the source of analytical ability (Arikunto, 2010). The scalpel uses the critical discourse analysis technique of Norman Fairclough's model. The main study is focused on microstructural (text), mesostructure (discourse practices), and macrostructural (sociocultural practices) data. The study results are, first, this regulation is motivated by the phenomenon of the iceberg of sexual violence in the university environment. The government feels the need to provide legal certainty to perpetrators and victims. Second, in this regulation, the government uses educational narratives, prevention, and handling, protecting whistleblowers, and restoring victims' rights. Third, this regulation impacts the social life of the community through various responses.

Keywords: *sexual violence, critical discourse analysis, Permendikbud No. 30 2021*

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INTRODUCTION

The founders of Indonesia realized the importance of education for the nation's next-generation by giving the state the obligation to organize a National Education System (UUD 1945 article 31 paragraph 3). Then, in the article, there is also a goal of National Education: increasing faith and piety and noble character in educating the nation's life regulated by Law. Then in 2003, the government and the DPR made Law number 20 concerning the National Education System, which is a detailed description of the educational goals in the 1945 Constitution. In addition, we are also equipped with a noble cultural order which contains moral teachings about how to live side by side. With fellow humans, the environment, and devotion to the Creator (Setiawan, 2019).

Indonesian society views schools and teachers as the main pillars to shape children's character and intelligence (Nur, 2021). So that whatever the school does, especially the teacher, is considered as an effort to apply discipline, obedience, and other noble characters. For years the school seemed to be closed regarding what was happening (Maulidhiyaa, 2021). Bullying, harassment, and sexual violence are not challenging to find in every Education Unit, from Elementary School to Higher Education (Saraswati, R., & Venatius, 2021). The sad thing is that this phenomenon is carried out by seniors, teachers, lecturers, or children from the upper social class to middle and lower social classes.

When a case has become the consumption of the academic community in the school or college unit, the management actually tries to suppress it in the internal environment so that it is not heard outside the walls of the school or university. This is done solely to maintain a good reputation in the eyes of the government and the public. So that educational institutions become safe places for perpetrators of sexual violence. They use their hegemony to carry out their actions. For years the nation's next-generation has been in danger of predatory sexual violence even in the safest environments.

The survey conducted by the Ministry of Education and Culture, Research and Technology noted that throughout 2020, data recorded that 77% of lecturers admitted that there were acts of sexual violence in higher education environments. From this data, 63% chose not to prolong the

problem by not reporting it to the campus management (Indonesia, 2021). The victims are concerned about the public's assessment of what happened to them. This survey is believed to only describe the tip of the iceberg from the actual conditions on the ground. Therefore, Nadiem Makarim, as Mendikbud, Research and Technology, said the importance of regulations that can protect and restore the rights of survivors.

Based on the points above, the government issued Ministerial Regulation Number 30 of 2021 concerning the prevention and handling of sexual violence in universities (Ristek, 2021). This regulation is based on three passions, namely prevention, protection and a sense of security, and restoration of the rights of victims who have been separated from the attention of the Campus and the Government. From these three backgrounds, this regulation is expected to answer public concerns, especially the Campus academic community towards deviant behaviors and acts of sexual violence. One form of concrete action that is contained is the obligation of the Campus to form a Task Force (Task Force) consisting of each element of the academic community, which has a function as a medium for reporting, monitoring, and providing recommendations for sanctions for perpetrators.

This initiation received a warm welcome from the broader public because it could answer the concerns that had been the concern of the wider community. However, after being read in detail, several sentence phrases are considered multi-interpreted and trigger controversy regarding the substance and the process of making it. In terms of substance, there are articles, especially related to sexual consent, which some parties consider to be a gap in free sex behavior in the university environment. Consequently, these objectors demanded a limited revision of several articles. Some of these objections were submitted by the second-largest Islamic religious organization in Indonesia, namely Muhammadiyah, MUI (Indonesian Ulema Council), academics, and several members of the DPR.

Meanwhile, from the side of making to publishing is also in the spotlight. First, this regulation is discussed and issued during the DPR's recess period so that it cannot involve participation with people's representatives. Second, several organizations or elements of society, especially those affiliated with the Islamic religion, admitted that they were not consulted on the idea or content of this regulation. These two things are certainly in the public spotlight why this seems rushed and not comprehensive.

On the other hand, the Ministry of Education and Culture, Research and Technology seems unmoved and tries to defend the argument that the editorials in the articles in this regulation are appropriate and there is no need for revision. This is supported by several NGOs (Social Society Institutions) that focus on women and anti-sexual violence. They regretted the contra parties for not fully reading the context of this regulation. They also argue that immoral acts are already regulated in Article 281 of the Criminal Code, so they no longer need to be included in this regulation.

The pros and cons of this regulation are interesting to study further. In principle, every policy or speech from the ruler has an ideology that can be studied with a critical linguistic approach (Crystal, 1991). On the one hand, the presence of the state in dealing with sexual violence is very important. But on the other hand, the government must also listen to the aspirations of the people represented by several organizations, figures, and academics, especially if the Islamic organization Muhammadiyah and the Indonesian Ulema Council officially declare their rejection and want improvements to several articles. Furthermore, if the government persists in its stance, it is feared that there will be a wave of protests from the lower levels of society.

In this study, the authors are interested in applying Norman Fairclough's critical discourse analysis approach. Fairclough views that a text or discourse cannot stand alone without its ideological and sociocultural aspects. For Fairclough, discourse issued by someone who has a position or power always has a social impact on society or groups of people under his authority. In principle, the theory of Critical Discourse Analysis by Norman Fairclough divides text or discourse into 3 dimensions, namely, text, discourse, and sociocultural (Fairclough, 2010). as a scalpel to unravel the knots of meaning from the issuance of this regulation. Critical Discourse Analysis or CDA is an approach based on interrogative and assumptive analysis in revealing the motives of a text or discourse by parties who are considered to influence power.

It is essential that there is a change in the campus paradigm that is transparently disclosing sexual violence practices and providing assistance and recovery to victims are efforts to improve their image in the eyes of the community. The millennial generation, which currently dominates

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the public conversation, is very concerned about social and environmental issues. They are very reactive and pay more attention if there are issues of social violations and environmental pollution. So, at this time there is no room to appear with the "mask" of imaging in front of the public. The public appreciates transparency and openness more than efforts to form a positive image.

The author has read and observed similar studies to gain novelty in the results in the process. First, the research conducted by Yopi Lutfi Subargo and Yarno with the title "Ideology in the Emergency PPKM Circular on COVID-19 in Surabaya (Critical Discourse Analysis Study of Norman Fairclough) with the conclusion that the Mayor's Circular has social impacts in society such as marginalization of society, domination of social, and social wrong because the interaction of social practice runs unbalanced, causing resistance action (Subargo, Yopi Luthfi., 2021). Second, research by Ronald Maraden Parlindungan Silalahi with the title "Women in the Perspective of the Marriage Law: A Critical Discourse Analysis" concludes that this Law implicitly still places women as objects in marriage (Parlindungan, 2018). There is still a patriarchal ideology in forming this Law which in the end creates social inequality in society.

RESEARCH METHODS

This research is a descriptive-qualitative research type. To gain comprehensive power of qualitative research analysis, the research phase requires the power of reason which is the source of analytical ability (Arikunto, 2010). The scalpel uses the critical discourse analysis technique of Norman Fairclough's model. The main study is focused on microstructural (text), mesostructural (discourse practices), and macrostructural (sociocultural practices) data.

The text is used as the main material in this research study. For this reason, the analytical method used is paradigmatic text analysis with social semiotic theory (Halliday, 1993). This figure argues that a text has three important elements, namely: (1) the field of discourse (the way discourse producers treat events), (2) discourse participants (people involved and their social attributes in a discourse), and (3) the means of communication. Discourse (the way discourse producers use language to describe events). This method is very useful for finding evidence in the text to answer research problems in the form of signs that represent the ideals and ideas of the text.

RESULT AND DISCUSSION

1. Text Analysis of Ministerial Regulations
 - a. Weighing and Remembering Segment

Considering the aspect of this regulation, it contains quite careful considerations regarding the component of protection against violence, the impact of violence on the quality of education, and the importance of filling the void of legal certainty related to this issue. This indicates that the Ministry of Education and Culture understands the importance of this regulation being issued immediately, namely as a form of preventive effort, assistance and restoration of the rights of victims, and sanctions for perpetrators.

However, some formulations are not synchronized between the weighing and remembering sections. In the considering section, this regulation includes elements of Pancasila but not in the remembering section. The author views that the Pancasila element is important in the remembering section because it is the basis for thinking in compiling the paragraphs. The first article in Pancasila, namely Belief in the One and Only God, is considered by some important parties to accommodate the religious characteristics of Indonesian society. In addition, the issue of acts of violence, especially against women, is closely related to a person's character and morals, so a religious or spiritual approach is considered quite relevant. Incorporating Pancasila can also minimize socio-political turmoil in the lower levels of society that sniffs out efforts to separate religion from education, especially when the issue of the abolition of religious subjects in basic education is still hot.

b. Articles

In general, this regulation is composed of 4 important parts: prevention, handling, the formation of a special task force for sexual violence in the university environment, and the scope of work and authority possessed. The author sees that the regulations are drafted to produce a comprehensive legal product and close the gaps for predators or perpetrators of sexual violence to carry out their actions.

In articles related to prevention, the Ministry of Education and Culture requires the involvement of all campus residents consisting of management, educators, and students to jointly make efforts to prevent acts of sexual violence such as improving campus governance that supports a safe lecture climate for all campus residents and limiting meetings. Between educators and students outside the Campus area and if very important, must get permission from the Head of the Department. In general, the elaboration of the prevention aspect through its articles provides clear boundaries of what can. It cannot be done to ensure that campus residents are protected from sexual violence.

Furthermore, the articles related to handling what are referred to as breakthroughs from this regulation are attention to victims. There are 2 essential sub-chapters in this section, namely mentoring and protection. The few cases of sexual violence that reach the police investigators' table are fear, shame, and the lack of external support. Mentoring provides a strong impetus for victims to dare to complain about the sexual violence they experienced with assistance from the Task Force. In addition, there are also efforts to overcome trauma and restore victims' rights, one of which is to ensure that they continue their studies safely.

This regulation is considered very well for the community, especially education stakeholders. The arrangement is made very comprehensive which does not only target the imposition of sanctions on perpetrators but also creates a system to break the chain of sexual violence and open the doors of campuses that have been tightly closed so that it is prone to deviations from social, religious, and legal norms. However, the concept of sexual consent promoted by the Ministry of Education and Culture did not get a positive response in the community with various protests from academics, religious leaders, politicians, to community organizations.

From a textual point of view, this regulation was made using diction with educational nuances, prohibitions, and punishments for perpetrators of sexual violence in universities. If a comparison is made, diction with academic nuances or a detailed explanation of actions that lead to sexual violence. This is understandable because on several occasions of dialogue in the media, Minister Nadiem revealed that this regulation was designed to provide a complete and detailed definition of what actions can be categorized as sexual violence to narrow the space for perpetrators to exploit the loopholes in this regulation.

Quantitatively, this regulation is quite thick, amounting to 35 pages, which explicitly indicates that the government is very serious about making this regulation a milestone for the protection, reporting, and assistance of victims of sexual violence.

2. Discourse Analysis

The dimensions of discourse in this regulation cover 4 scopes, namely prevention, handling, protection, and restoration of victims' rights. Minister Nadiem and his staff feel the need to create a learning environment, especially at the higher education level, that is safe for all academics. This is reflected in the points of consideration of regulations that signal that now is the time for the state to be present to protect students from sexual violence, which has been considered taboo. Then next is the discourse of handling cases that have occurred. An indication of the government's strong commitment can be seen from the necessity for higher education units to create a Task Force consisting of representatives from each element of the institution, students, lecturers, and intra-campus organizations as an independent ad hoc institution under the command of the Ministry of Education, Culture, and Research, and Technology.

The next thing that is no less important and becomes the attention of the wider public is the protection and restoration of victims' rights, which so far have not been the focus of the Law in cases of sexual violence. Our law enforcement system focuses more on imposing sanctions commensurate with the victim's suffering. In fact, the loss or impact experienced by victims of sexual harassment or violence cannot be measured by calculating the number of prison terms.

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Severe psychic blows can last a lifetime, making it difficult for the victim to accept his condition and reorganize his life. Not only that, victims of sexual harassment/ violence are also vulnerable to negative social impacts such as bad stigma, exclusion, and difficulty being accepted again in a religious society.

Based on the description of the conditions above, the government makes regulations that can accommodate efforts to prevent, handle acts of sexual violence, restore the rights of victims and provide concrete guidance to the academic community regarding technical guidance and reporting.

As a ministerial regulation, this regulation is binding on higher education institutions with all the consequences in it. So it can be said that there is a power relationship between the Minister of Education and the institutions under it. Universities do not have the space to criticize and correct this regulation due to a clear command line from the Ministry of Education, Culture, Research, and Technology. Act as education regulator in Indonesia. Although separately through various dialogues carried out by the National media and uploads on social media, several Campus officials voiced their disagreement with some words and encouraged limited revisions.

3. Sociocultural Aspect

The sociocultural dimension in a discourse can reveal the background of social problems and their impact on life in society. Basically, every government policy always aims to regulate community activities to be orderly, comfortable, safe, and lead to prosperity. The sociocultural dimension as the background is the rampant sexual violence activity in the university environment which does not appear to the surface. Many factors cause this phenomenon to be difficult to detect. First, the victim's doubts and fear of speaking up for which there have been many examples of victims being blamed. In general, campus management and the community are trying to find the causes of sexual-based violence, such as the victim's clothes, behavior, and other things that can encourage someone to do this. Even though there is no reason that justifies someone to be sexually harassed or violent. Second, the Campus always tries to resolve it internally so that this problem does not come out of the campus walls because it is considered a disgrace that must be covered. And the third is the absence of a rehabilitation and adaptation process for victims to carry out normal activities again in the campus environment.

The social impact of this regulation is quite diverse. On the one hand, this regulation is a solution that people have been waiting for to avoid sexual violence. Universities today have strong instruments to create a safe and comfortable academic environment. But on the other hand, the phrase about sexual consent makes people torn between those who support and reject it. For those who refuse, especially from conservative religious circles, academics, and social observers, the concept of sexual consent does not need to exist because it will provide an opening for immoral acts in the form of free sex.

The government's insistence in this case the Minister of Education, Culture, Research and Technology on the concept of sexual consent can be understood because of Nadiem Makarim's background and ideology. Before leading the Ministry of Education, he was already a big name with the first and largest online transportation business in Indonesia, namely Gojek. In addition, he also received education in several developed countries such as Singapore, the United States, and the United Kingdom. Of course, this influenced the policies and big narratives at the Ministry of Education and Culture during his tenure. Liberal thinking began to be included in the concept of National Education. This can be seen from several policies adopted which are adopted from abroad. Nevertheless, the big picture of his approach deserves appreciation.

CONCLUSION

This study concludes that in Ministerial regulation number 30 of 2021 concerning the Prevention and Handling of Sexual Violence in Higher Education, there are indications of efforts to incorporate liberal values into the National Education system. Norman Fairclough's Critical Discourse Analysis found several results from the research results using a scalpel. First, this regulation is motivated by the iceberg of sexual violence in the university environment. The government feels the need to provide legal certainty to perpetrators and victims. Second, in this

regulation, the government uses educational narratives, prevention, handling, protection of whistleblowers, and restoration of victims' rights. Third, this regulation impacts the social life of the community through various responses.

In general, the community welcomes this regulation. However, the inclusion of the concept of sexual consent made some community groups angry and protested to Minister Nadiem to remove the phrase sexual intercourse with consent. However, it seems that Minister Nadiem remains steadfast in his stance that the concept is following the context of this regulation. Whereas friction in the lower layers of society has begun to be felt between the pro and contra. Moreover, the groups that protested were not only from the general public, but also officials from the second largest organization Muhammadiyah and the Indonesian Ulema Council also asked to be removed or replaced with the diction "by agreement" which was considered to be disturbing social and religious norms in Indonesia.

As a scientific study, the author wants to contribute to the polemic of the Ministerial regulation number 30 of 2021. The author proposes several suggestions that can be input for the government, especially the Ministry of Education, Culture, Research, and Technology. First, as an appreciation and manifestation that Kemendikbudristek hears and pays attention to public input, it is necessary to withdraw this regulation for improvement and refinement. Second, Kemendikbudristek must increase socialization and discussion with various stakeholders to absorb aspirations and input. Third, people at the grassroots level need to hold back and always prioritize dialogue to resolve this polemic.

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