

# THE URGENCY OF SEXUAL EDUCATION FOR ADOLESCENTS IN INDONESIA AGAINST SECULARISM (CASE STUDY OF PERMENDIKBUT-RISTEK POLICY NUMBER 30 OF 2021)

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## ABSTRACT

The public is highly concerned about moral deterioration in situations of sexual abuse in Indonesian colleges. The Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021 addressing the prevention and treatment of sexual violence in universities as a response to this problem. But however, the substance of sexual violence in this regulation includes the paradigm of sexual consent which recognizes that an agreement between two perpetrators is not a criminal conduct, resulting in opposition from a wide range of parties. As a result of this situation, it appears as if religious principles are irrelevant, and that advantage takes precedence over sharia. The researcher proposes a solution in this article through learning in the context of sexual education for adolescents. So that they do not think wrongly and act in various ways. This study uses a library research method that refers to contemporary books as primary sources, scientific journals, and websites as secondary references. Technical analysis employs of a traditionalist-philosophical approach that examines phenomena that are irrelevant and not in line with norms and religious values.

**Keywords:** Permendikbud-ristek, Secularism, Sexual consent, Sexual education

## 1) INTRODUCTION

Indonesia has been shocked by the decision of the Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021, related to the prevention and handling of sexual violence in universities. This is a violation of human rights. In many cases, sexual problems begin to cause a negative realm for the community environment. Cases of sexual assault against teenagers often go unreported to the police and tend to be kept secret. The victims felt threatened and ashamed to tell because it was partly a disgrace and had to be hidden.

Adolescent is the key to the future of the nation; adolescent must always be built and well-directed in order to grow and develop reasonably for the creation of a developed country in the future. Creative teenagers are those who express all appreciation and ideas for the betterment of the nation not damaging its future. Many of them fall into negative things such as promiscuity, smoking, drinking and including the problem of sexual violence. In this case, sex education is needed with regard to family education, namely parents who are always in their educational insight take a role to change the character and morals of adolescents for the future.

In the modern era of globalization, technology is the most important factor in life. You don't have to keep up with the technology. Like other developed countries, they motivate with technological advances so that the State of Indonesia is not far behind. As technology evolves, many teenagers are plunged into the abyss that causes sexual violence, they easily access adult and porn websites wherever they want.

Harassment is often perceived as deviant behavior, because it forces a person to engage in a sexual relationship or establishes a person as an object of unwanted attention. (Rohan Colier, 1998) Sexual harassment is not a good thing. Such as touching a vulnerable limb and can make a fatal problem. Sexual harassment in the world of education is now a familiar thing for us, after the release of many cases have emerged and reports of the Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021 sexual violence against victims. Sexual harassment can be a threat tool in the completion of final assignments for students, many lecturers deliberately don't provide value and even cancellation when siding thesis becomes a strong reason, if the victim does not fulfill the wishes of the guidance lecturer.

If we deeper who are often victims of sexual harassment are women, women who are often sexually harassed because of helplessness, who are always under the control of men. Meanwhile, in the view of Islamic law on sexual abuse behavior has not been strictly regulated, because the discussion does not yet exist in the Qur'an or Hadith, with the provisions of the law on sexual abuse still the *ijtihad* of the scholars. The punishment is in the form of *Takzir*, this form of punishment can be in the form of death penalty, volume, fine, defamation and others. *Takzir* punishment imposed on sexual abusers must be in accordance with the form of sexual abuse committed, and the punishment is applied to the perpetrator for the benefit of the child. Sexual harassment is very concerning the name and morals of a person good or bad deeds. (Yayah Ramadyan, 2010).

The issue of public policy that has been released invites the arguments of experts, academics, Muslims, and Islamic organizations to refute the controversy. The draft law on the prevention and elimination of sexual violence (RUU PKS) is a derivative of the draft law that hasn't been enacted or passed. However, the regulation of the Minister of Culture Education research and technology Number. 30 of 2021 has invited national controversy. In sexual violence "Sexual Consent" defines a very secular ideology that carries the ideology of transnational feminism that does not fit the personality of our nation. The eastern nation, the religious nation, Pancasila with the precepts of the Supreme Divinity, then the State based on the Supreme Divinity article 29 paragraph number 1 of the 1945 Constitution. The values of Godhead and Religion should be a reference to all acts of behavior of the life of the nation and state, especially in universities.

The regulation of the Minister of Culture Education research and technology Number. 30 of 2021 actually has good intentions as stated in the constitution, that every citizen is entitled to protection from all forms of violence including sexual violence. However, the presence of a problematic substance in one of the phrases repeated in the Text of the Candy is "without consent" (Article 5 paragraph 2, point b, f, g, h, l, m). Contains the phrase "without consent" this sentence is the same as showing the genitals by recording, taking photos, to circulate photos, undress, touch, swipe, hold, hug, kiss the victim, and all without the victim's consent. The sentence triggered criticism and rejection because it was considered harsh nuanced paradigm of free sex under the pretext of consent (Sexual consent). (Cecep Darmawan, 2021). So, whatever is done by adults S2 ('mutually agree') and S3 ('consensual') must be allowed (legalized), then their actions are not wrong, not prohibited, and cannot be criminalized.

## 2) METHODS

The research method used is library research which is research conducted by reading, reading and recording various literature as readings that are in accordance with the subject matter. (Katini Kartono, 1989) The data collection method used is a documentation method that collects data by viewing and selecting documents created by the research subject or other. Documents are divided into two types of data sources, namely primary data sources and secondary data sources.

Primary data sources are the most basic sources that can include direct rules from the Ministry of Home Affairs. Secondary data sources are literature that indirectly discusses the subject matter in this discussion, the writings that contain the source, be it personality or mindset. The process of data analysis begins by studying all available is various sources from documents or books related to the research theme.

## 3) RESULTS

### Definition Of Secularism

The term Secular originated in the mid-19th century which has several definitions. language Secular comes from Latin, namely Saeculum, which contains two meanings, namely time and place or space. Secular in the sense of time refers to 'now' or now, while in the sense of space it refers to the 'world' or worldly (Al-Attas, 2011, p. 18). Secularism in language can be interpreted as an understanding that only looks at the current (worldly) life, without anything spiritual like the existence of life after death which is basically the core of religious teachings.

In The New International Webster's Compeherensive Dictionary of the English Language, Secularism means worldly and rejects spiritual values. Meanwhile, secularize is a worldly process, a process to become secular: a movement from the sacred to the secular (Smith, 1974, p. 1138). Whereas in Arabic secular means '*almany*', which has the meaning *laysa min arbab al-fann aw a-lhirfab* and the words "*secularity*" are translated into *al-ibtimam bi age al-dunya*, or *al-ibtimam bi al-'alamiyat*, while "*secularize*" translates to *hawwal ila gharad 'alamy ay dunyawiyy* (Al-Attas, 1995, p. 21). Meanwhile, in the Big Indonesian Dictionary, it is stated that secularism is an understanding or philosophical view that holds that morality does not need to be based on religious teachings. Meanwhile, secularization is things that lead to a life that is not based on religious teachings. And secularists are adherents of the school of philosophy who want decency or character not to be based on religious teachings. Secular is a worldly or material nature.

Secularization emerged as a result of the modernization process that occurred during the Enlightenment period that occurred in the Western world when religious reasoning (The Age of Religion) was replaced by reasoning (The Age of Reason). While Secularism is the concentration of the mind on the material world more than the spiritual world. Secular society only thinks about the life of the world and material objects Harvey Cox argues that secularization is the liberation of humans from the protection of Religion and Metaphysics, a diversion from another realm to this world. (*Secularization is the liberation of man from religious and metaphysical tutelage, the turning of this attention away from other worlds and toward this one*) (Armas, 2007, p. 28). Harvey Cox also distinguishes between the meanings of secularization and secularism, according to him secularism is the name of a closed ideology (*ism*) that functions very much like the New Religion. Meanwhile secularization liberates society from the control of religion and closed metaphysical worldviews.

Nurcholis Madjid defines Secular as the present era or the world we are experiencing now. Secularism is a worldly understanding, while Secularization is not intended as the application of Secularism and converting Muslims to secularists, according to him Secularism is to worldize values that are supposed to be worldly, and to free Muslims from the tendency to ukhrawinya, or a worldly process (Madjid, 1987, p. 128). This definition is the same as what was

expressed by Harvey Cox above, he added that secularism is contrary to religion, especially Islam. Because Islam teaches about the Last Day (the Hereafter), and Muslims must believe in it.

Muhammad Tahir Azhary, in his dissertation at the Faculty of Law, University of Indonesia entitled State Law, defines secularism as "an ideology that separates or neutralizes all areas of life, such as wanting politics and the state, economics, law, social culture and science and technology from the influence of religion or other things. the unseen. Meanwhile, secularization, according to him, is an effort or process that leads to a secular state or a process of neutralization from any influence of Religion and supernatural things. Secular are characteristics that point to a situation that has separated worldly life from the influence of religion or other things. things that are metaphysics (Husaini, 2005, p. 270).

From the understanding described above, it can be concluded that the words Secular, Secularization, Secularism has different meanings and meanings. The word Secular, which comes from the Latin word *Saeculum* is defined as Masa (time) and Place that applies now or in the present. Said Secularization, many interpreted as the process towards secularism and secularism. Meanwhile, secularism is widely interpreted as an ideology resulting from the process of secularization.

### **Sexual Education**

Sexual in the Complete Dictionary of Psychology has two meanings. First, alluding to all matters relating to all problems of human reproduction (breeding) which is carried out through the union of male and female which eventually produces an egg and sperm. Second, the general notion of sexual offending feelings, emotions and behavior, which is associated with the stimulation of the genitals, erogeneous areas, or with the process of reproduction. Sex education is defined as instruction in reproductive physiology and attitudes that can promote good sexual adjustment to sexuality in general and in marriage in particular (Chaplin & Kartono, 2019, p. 459). Therefore, sexual education must be understood broadly, not only talking about reproductive issues, regeneration of species development in the biological sense and the existence of the species.

Sex education aims to make children understand the functions of the sex organs, halal and haram sex organs, their responsibilities, and get guidelines to avoid sexual misconduct from an early age. In addition, through sex education children will gain knowledge and insight about issues surrounding sex properly and correctly (Marhayati, 2021, p. 49). If the child gets proper sex education, it is hoped that the child will avoid the many negative consequences of sexual behavior, such as sexual deviation, sexual harassment, pregnancy out of wedlock, and sexually transmitted diseases.

Based on the explanation above, it can be concluded that the notion of sexuality in general only relates to the genitals and also relates to reproductive matters. However, when defining education broadly, it includes matters relating to the functions of the sex organs, issues surrounding sex, the risks of unhealthy sexual behavior, and the mental emotional aspects of children and adolescents. In addition, it can also be understood that sex education means covering matters relating to physical, psychological, and social humanism (Murni & Hariyadi, 2021, p. 143). And it is necessary to include religious values in the learning of sex education so that it is increasingly directed to where the real goal of sex education is.

## **4) DISCUSSION**

### **The Problem of Sexual Violence in Universities**

Sexual violence these days is common and appears around us. Sexual harassment is defined as an unacceptable circumstance, whether orally, physically or in gesture. Most of the victims of

violence do not report much, causing more serious problems. One of the most commonly encountered violence is sexual violence. News spread from social media, print and other electronics is familiar in the eyes of the public. After the Minister of Education, Culture, Research and Technology Regulation Number 30 of 2021 on the prevention and handling of sexual violence in universities, many reports and news were included in The Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021 list.

Cases of sexual violence in the universities environment became a phenomenon, in early November 2021 the Islamic Mass Assembly (IMA) consisting of 13 Islamic organizations stated the substance of sexual violence in The Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021 which contained the paradigm of sexual consent (*sex consent*) both and bad the action was measured only on the basis of consent alone. This paradigm reduces not to be said to eliminate the role of religion as a moral consideration in sexual activity (Auni, 2021).

Reports of sexual violence on universities emerged after the release of The Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021, Nizam said in a virtual discussion with CNN Indonesian at Jakarta that, "When the new The Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021 came out, there were already several reports that reached me. Those who have not dared to report, are now starting to appear in our colleges. Then prevention can be done through regulations issued by the rector. For example, dont let any thesis guidance be done at home, or in an enclosed space at night because it is very risky," he said. The problem of sexual violence focuses on teenagers in college, who are threatened with their tutors in writing final assignments or thesis. This is very disturbing for students at the universities.

After the release of the regulatory attitude, it should be followed up not continued. A survey conducted by the Ministry of Education in 2020 showed that 77% of lecturers in Indonesian said that sexual violence had occurred on campus. However, 63% of them did not report the incident because they were concerned about negative stigma. The Indonesian Religion Council (MUI) asked the government to revoke or revise the musician because it objected to the phrase related to the consent of victims or known as consent. In the article, sexual violence is defined as an act performed verbally, nonphysically, physically, or through information, and communication technology. Various types of sexual assault acts committed **"without the consent of the victim"** of this phrase are rejected by the MUI (BBC, 2021).

The issue of sexual violence in the college environment is not reported because there is no regulation regarding complaints and guarantees how the case will be responded to. The worry arises from the victim such as the lack of confidentiality, the existence of a negative stigm directed at the victim so that, pressure from the perpetrator who has authority in high reprimand. The Faculty of Law of The University of Padjajaran from the survey mentioned that out of a total of 612 respondents 22.1% of whom admitted to having experienced sexual violence on campus, 73.4% had heard of the case on campus, but 67.6% felt unprotected from the threat of sexual violence. About 97.9% agreed there needs to be regulation of handling sexual violence in the campus environment (Auni, 2021).

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Divinity article 29 paragraph number 1 of the 1945 Constitution. The values of Godhead and Religion should be a reference to all acts of behavior of the life of the nation and state, especially in universities.

### **Criticism of The Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021**

The Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021 as previously stated, when universities open up with secular western values, liberals especially in the prevention and handling of sexual violence refer to liberal, secular and gender equality values are very dangerous because they are not in accordance with the values of Pancasila. In the academic text of gender violence which is a reference to the draft law on the prevention and elimination of sexual violence and (RUU PKS) and The Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021, the Vienna declaration. Referring to the committee on the elimination of discrimination against women and the Vienna declaration of 1993 affirmed that the definition of violence against women constitutes a violation of human rights. One of the phrases repeated in the Text of the Candy is "without consent" (Article 5 paragraph 2, point b, f, g, h, l, m).

Various sexual acts verbally, nonfiction, fiction and through information and communication technology without the consent of the victim is a crime aka a criminal act. This considers the main in assessing a person's sexual acts is no longer the norm of decency, ethics or religion. According to this Candy, the existence of agreement between the two perpetrators means that the act does not come from a criminal. As stated by the Muhammadiyah Assembly, one of the material defects contained in Article 5 which contains the phrase "without the consent of the victim" and gives rise to the meaning of legalization of immoral acts and free sex based on "consent".

The issuance of the Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021 is very troubling to the community. Discussion in the criticism of the Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021, if the culprit has S2 ('mutually agree') or S3 ('consensual'), then their actions are not wrong, not prohibited, and cannot be criminalized. Conversely, if done without consent, and only if one party disagrees, then the sexual act is considered wrong, immoral, and criminal. So, whatever is done by adults S2 ('mutually agree') and S3 ('consensual'), must be allowed (legalized), even if the act is considered disgusting or shaking by others.

“Consent makes all the difference between the permissibility and impermissibility of sexual practice or activity. A sexual practice which is not consented to is immoral. Conversely, a sexual practice which is consented to is permissible. Whatever people do as ‘consenting adults’ should be allowed, even if the rest of us find a particular practice disgusting or shocking” (Arif, 2021).

## **5) CONCLUSION**

Youth is the key to the future of the nation, youth must always be built and well directed in order to grow and develop reasonably for the creation of a developed country in the future. Creative teenagers are those who express all appreciation and ideas for the betterment of the nation not damaging its future. Since the publication of the Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021 which is very troubling to the community. Discussion in the criticism of the Minister of Education, Culture, Research, and Technology released Regulation Number 30 of 2021 if the culprit has S2 ('mutually agree') or S3 ('consensual'), then their actions are not wrong, not prohibited, and cannot be criminalized. Conversely, if done without consent, and only if one party disagrees, then the sexual act is considered wrong, immoral, and criminal.

The draft law on the prevention and elimination of sexual violence (RUU PKS) is a derivative of the draft law that has not been enacted or passed. However, the regulation of the Minister of Culture Education research and technology No. 30 of 2021 has invited national controversy. In sexual violence "Sexual Consent" defines a very secular ideology that carries the ideology of transnational feminism that doesn't fit the personality of our nation. So, the solution to the problem is in sex education, understanding the problem in the social environment. Because the social environment can have an impact on development in adolescents.

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