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Fulfillment of Women's Constitutional Rights to Protection from Sexual Violence in University

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Abstract

Increasing awareness of the need to protect women's constitutional rights, especially in the context of preventing and handling sexual violence in higher education, is the subject of increasingly in-depth attention. This research aims to investigate the fulfillment of women's constitutional rights in terms of protection against sexual violence in higher education environments, with a focus on the K.H. State Islamic University. Abdurrahman Wahid Pekalongan as a case study. The research method used is empirical juridical with statutory, conceptual and case approaches. Data was collected through interviews with respondents and literature study. The results of this research show that cases of sexual violence that occurred at UIN K.H. Abdurrahman Wahid Pekalongan, there were 12 cases where the victims were predominantly women. UIN K.H. Abdurrahman Wahid Pekalongan has attempted to fulfill women's constitutional rights to protection from sexual violence, but there are still several factors that are obstacles. Patriarchal culture, negative assessments of cases of sexual violence, lack of budget, lack of socialization, and intervention or threats against victims are things that need to be considered in efforts to handle sexual violence in the campus environment.

Keywords: *Constitutional rights; Education; Sexual violence.*

Abstrak

Peningkatan kesadaran akan perlunya perlindungan terhadap hak-hak konstitusional perempuan, terutama dalam konteks pencegahan dan penanganan kekerasan seksual di perguruan tinggi, menjadi subjek perhatian yang semakin mendalam. Penelitian ini bertujuan untuk menginvestigasi pemenuhan hak konstitusional perempuan dalam hal perlindungan terhadap kekerasan seksual di lingkungan pendidikan tinggi, dengan fokus pada Universitas Islam Negeri K.H. Abdurrahman Wahid Pekalongan sebagai studi kasus. Metode penelitian yang digunakan adalah yuridis empiris dengan pendekatan perundang-undangan, konseptual, dan kasus. Data dikumpulkan melalui wawancara dengan responden

dan studi kepustakaan. Hasil dari penelitian ini menunjukkan bahwa kasus kekerasan seksual yang terjadi di UIN K.H. Abdurrahman Wahid Pekalongan ada 12 kasus yang mendominasi korbannya adalah kaum perempuan. UIN K.H. Abdurrahman Wahid Pekalongan telah berupaya memenuhi hak konstitusional perempuan atas perlindungan dari kekerasan seksual, masih ada beberapa faktor yang menjadi penghambat. Budaya patriarki, penilaian negatif terhadap kasus kekerasan seksual, minimnya anggaran, kurangnya sosialisasi, dan adanya intervensi atau ancaman terhadap korban merupakan hal-hal yang perlu diperhatikan dalam upaya penanganan kekerasan seksual di lingkungan kampus.

Kata Kunci: Hak konstitusional; Kekerasan seksual; Pendidikan.

Introduction

Sexual violence is a form of action that destroys, violates and robs human rights, especially women's rights, to feel safe and respected in the academic environment. This includes any form of harassment or abuse of power aimed at fulfilling the perpetrator's sexual desires without the victim's consent. In the context of higher education in Indonesia, sexual violence is a serious concern considering its increasing prevalence, as revealed in official data.

According to the 2016 Annual Record Sheet (CATAHU) issued by the National Commission on Violence Against Women, 268 cases of sexual harassment were recorded in the educational environment. 2018 also saw an astonishing number of sexual violence complaints, with 72 percent of the total complaints received by the Indonesian Child Protection Commission (KPAI) coming from the academic world. This highlights the escalation of sexual violence that threatens the safety and well-being of students, particularly in higher education institutions.

In the midst of this reality, K.H. State Islamic University. Abdurrahman Wahid Pekalongan as a higher education institution has a responsibility to protect women's constitutional rights, including the right to protection from sexual violence. Chancellor's Decree Number 773 of 2020 which stipulates Guidelines for the Prevention and Handling of Sexual Violence at UIN K.H. Abdurrahman Wahid Pekalongan reflects serious efforts to overcome this problem. The guidelines are

based on the principle that educational institutions must be safe places and respect individual dignity, as well as comply with human rights principles.

At UIN K.H. Abdurrahman Wahid Pekalongan, efforts to overcome sexual violence have been made, but there are still challenges that must be overcome. Inhibiting factors, both structural and cultural, can hinder the fulfillment of women's constitutional rights to protection from sexual violence in the campus environment. Therefore, an in-depth understanding of these factors is important to develop effective strategies to strengthen protection and response to sexual violence.

Thus, this research aims to explore the fulfillment of women's constitutional rights to protection from sexual violence at UIN K.H. Abdurrahman Wahid Pekalongan, as well as identifying inhibiting factors that might influence these efforts. It is hoped that this research will provide valuable insights for the development of more effective policies and practices in dealing with sexual violence in the context of higher education.

Research Method

This research is empirical juridical research. The research approaches applied include the statutory approach, conceptual approach and case approach. Data collection techniques involve interviews with respondents to obtain responses to questions set by the researcher, as well as literature studies through books, documents, or literature relevant to the research topic. Analysis of research data will use the interactive model from Miles and Huberman. The qualitative data analysis process will be carried out interactively and continuously until it reaches saturation point, so that the resulting data will be guaranteed to be complete and accurate.

Result and Discussion

Sexual Violence at UIN K.H. Abdurrahman Wahid

Sexual violence can happen to anyone and at any time. Harassment very often occurs in everyday life, whether in the family, school, community, work or peers. Abuse in general often happens to people who are defenseless. This often happens to women. This is caused by a value system that places women as weak and inferior creatures compared to men. There are still many people who view women as people who can be controlled, exploited and enslaved by men. Violence is basically a real reality and often occurs in society from the past until now.

Gender-based violence, especially which often occurs against women, is becoming a topic of discussion that is becoming increasingly heated by the day and occurs a lot. This is based on modes or methods that are always developing without being followed by a policy for the protection of victims and the community that can accommodate and fulfill their needs. At this time, sexual violence is rampant in the university environment. In this case, it includes the UIN K.H. campus. Abdurrahman Wahid Pekalongan.

UIN K.H. Abdurrahman Wahid Pekalongan is one of the universities in Pekalongan, Central Java. On the UIN K.H. campus Abdurrahman Wahid Pekalongan already has an institution that is working to create a campus free from sexual violence, namely the Center for Gender and Child Studies (PSGA) UIN K.H. Abdurrahman Wahid Pekalongan. PSGA UIN K.H. Abdurrahman Wahid Pekalongan is currently still carrying out his main duties and functions, one of which is guarding against sexual violence that occurs on campus. Because since being included as a campus structural institution, PSGA has received 12 cases of violence at UIN K.H. Abdurrahman Wahid Pekalongan. The 12 cases of violence are listed in the following table:

Table 1. Cases of violence at UIN K.H. Abdurrahman Wahid Pekalongan

Number	Forms of Violence	Amount
1	Online Based Gender Violence	5
2	Sexual harassment	3
3	Health problems	1
4	<i>Toxic Relationships</i>	3

Of the 12 data on violence, the victim was often a woman. Then the most common cases are online-based gender violence, namely a form of gender injustice and discrimination that occurs in online spaces. This type of violence can include stalking, harassment, bullying and unsolicited pornography. Likewise, regarding cases of sexual harassment, there are also forms that are based on research. Health problems that occur are caused by certain events in a person's environment that cause the person to experience anxiety and trauma. Toxic Relationships usually occur in someone who is still dating, this is as stated by the head of the PSGA when interviewed:

"Toxic Relationships happen to students who are dating, incidents like this happen to their boyfriends who are also students on this campus or those outside campus. Toxic Relationships occur because there is a threat made by one of the parties to their partner, because usually children now dating already know and want to know the partner's private area. Then when there is something you don't like, that area of privacy becomes a threat. This makes the victim unfocused and hinders his studies."

According to the head of the PSGA, the case of sexual violence that occurred at UIN K.H. Abdurrahman Wahid Pekalongan still happens a lot, but it is true that some victims of sexual violence do not dare to speak up about the violence that occurred. This happens because talking about sexual violence in the campus environment is a problem that is difficult when looking for the deepest point of the problem. Apart from an interview with the head of PSGA UIN K.H. Abdurrahman Wahid Pekalongan, researchers also conducted interviews with UIN students K.H. Abdurrahman Wahid Pekalongan with a composition of 18 per faculty online by distributing the goggle form link to students.

From these results, as many as 77 respondents knew about the forms of violence that occurred at UIN K.H. Abdurrahman Wahid Pekalongan, the average respondent explained that this form of sexual violence is an act of physical violence committed against another person intentionally without the other person's knowledge. There are also those who explain that sexual violence is an act of harassment, insulting another person consciously and intentionally.

Sexual Violence Protection at UIN K.H. Abdurrahman Wahid

Protection in law number 12 of 2022 concerning criminal acts of sexual violence is all efforts to fulfill rights and provide assistance to provide a sense of security to witnesses and/or victims which must be carried out by LPSK or other institutions in accordance with the provisions of statutory regulations. Sexual violence protection at UIN K.H. Abdurrahman Wahid Pekalongan has passed a regulation relating to the protection of sexual violence on the campus of UIN K.H. Abdurrahman Wahid Pekalongan namely Chancellor's Decree Number 773 of 2020 concerning Guidelines for Preventing and Handling Sexual Violence at the Pekalongan State Islamic Institute. This is similar to the researcher's interview with the head of PSGA UIN K.H. Abdurrahman Wahid Pekalongan:

"The origin of the PSGA was based on the initiation of several lecturers who initiated the UIN K.H. Abdurrahman Wahid Pekalongan has a place or comfortable space for victims of sexual violence. "In the end, there is a legal umbrella, namely the Chancellor's Decree Number 773 of 2020 concerning Guidelines for Preventing and Handling Sexual Violence at the Pekalongan State Islamic Religious Institute and the Chancellor's Decree Number 774 of 2020 concerning Standard Operational Procedures for Preventing and Handling Sexual Violence at the Pekalongan State Islamic Religious Institute."

In the protection of sexual violence at UIN K.H. Abdurrahman Wahid Pekalongan is stated in the Chancellor's Decree Number 773 of 2020 concerning Guidelines for Preventing and Handling Sexual Violence at the Pekalongan State Islamic Institute or which has now transitioned to UIN K.H. Abdurrahman Wahid

Pekalongan. In article 3 of the Chancellor's Decree Number 773 of 2020, it is explained that the purpose of this rule is:

- a. Prevent all forms of sexual violence committed by/or against campus residents;
- b. Handling, protecting and recovering victims;
- c. Take action against perpetrators and;
- d. Creating a campus environment that is gender friendly and free of sexual violence.

UIN K.H. Abdurrahman Wahid Pekalongan in responding to sexual violence on campus, is realized by having a comfortable space for victims, namely the existence of an integrated service unit. This has been explained in article 8 of the Chancellor's Decree Number 773 of 2020, namely:

- a. The integrated service unit is the integrated service unit of UIN K.H. Abdurrahman Wahid Pekalongan, located under the Center for Gender and Child Studies (PSGA) LP2M UIN K.H. Abdurrahman Wahid Pekalongan which is an interdisciplinary service (media, law, counseling and psychosocial), involving various interdisciplinary lecturers and service units. involving various interdisciplinary lecturers and service units at UIN K.H. Abdurrahman Wahid Pekalongan, including polyclinics, LBH, Islamic Guidance and Counseling Lab, as well as Sufism and Psychotherapy labs.
- b. The integrated service unit aims to provide services strategically, facilitate and speed up services according to victims' needs, and make services more effective and targeted.
- c. The integrated service unit is managed by administrators and members who were formed based on the Chancellor's Decree.
- d. Forms of sexual violence as stated in Chancellor's Decree Number 773 of 2020 include:
- e. Sexual harassment;

- f. Sexual intimidation;
- g. Sexual exploitation;
- h. Coerced abortion;
- i. Rape and prevention;
- j. Forced prostitution;
- k. Sexual slavery;
- l. Sexual torture; and/or
- m. Digital sexual violence

This form of sexual violence includes incidents of sexual violence in the scope of personal relations, work relations, the public, and other special situations as long as they are within the scope of UIN K.H. Abdurrahman Wahid Pekalongan. A concrete form of protection for victims of sexual violence is by seeking sanctions for perpetrators or predators of sexual violence that are as fair as possible. In Article 34 of the Chancellor's Decree Number 773 of 2020 concerning Guidelines for Preventing and Handling Sexual Violence at the Pekalongan State Islamic Institute, it is explained that the sanctions for perpetrators include the following:

- a. In the event that the Chancellor's decision is in the form of sanctions for the reported party who has the status of a student, then the imposition of sanctions is carried out based on the Chancellor's regulations regarding student discipline.
- b. In the event that the Chancellor's decision is in the form of sanctions for the reported party who has ASN status and non-ASN campus residents, then the imposition of sanctions is carried out based on ethical considerations and/or provisions regarding employee discipline.
- c. If necessary, sanctions can include matters that have not been regulated in student rules or employee discipline.

This was also stated by the head of PSGA UIN K.H. Abdurrahman Wahid Pekalongan when the researcher conducted the interview:

"When the perpetrator of sexual violence is committed by an ASN or non-ASN lecturer, it refers to the rules regarding lecturer ethics. Then, if it is carried out by students who are not student organization administrators, they follow the student code of conduct. "Meanwhile, when the perpetrator is a student who is also an administrator of a campus student organization, he is expelled from the structure of that student organization."

The results of interviews with students conducted online showed that as many as 80% of the 77 student respondents answered regarding sexual violence protection at UIN K.H. Abdurrahman Wahid Pekalongan has achieved the maximum and the rest or 19.5% said it has not been maximized. This shows that even though from a student's point of view, sexual violence protection at UIN Gus Dur can be said to be optimal, there are several things that need to be improved to ensure that sexual violence protection is provided for victims.

Fulfillment of Women's Constitutional Rights to Protection from Sexual Violence at UIN KH Abdurrahman Wahid Pekalongan

Right constitutional and rights basic man like two you birth . In the term “ Rights Asasi Humans (HAM)” have more space wide compared to with the term “ rights constitutional ”. Right constitutional own room scope narrow ones only applies in law positive a country. Development right basic human level international give encouragement for confession its existence at the level national as right constitutional . ¹The basis of existence constitution is agreement general or agreement (*consensus*) between majority people about idealized building regarding with the country. Constitution is consensus together (*general agreement*) throughout citizen . That country's organization needed by residents public political so interest they together can protected or promoted through formation and use mechanism called the state .²

The objectives contained in the preamble to the 1945 Constitution of the Republic of Indonesia have been outlined in the articles in the body of the 1945 Constitution. No less than 40 citizens' rights are guaranteed by the state in the 1945

¹I Dewa Gede Palguna, "Constitutional Complaints: Legal Remedies Against Violations of Citizens' Constitutional Rights", (Jakarta: Sinar Graphics, 2013), p. 131.

²Jimly Asshiddiqie, "Constitution and Human Rights", (Jakarta : Kontrass, 2008), p. 6.

Constitution, which are known as constitutional rights. grouped into 14 parts, namely the right to citizenship, the right to life, the right to self-development, the right to freedom of thought and freedom of choice, the right to information, the right to work and a decent living, the right to property and housing, the right to health and a healthy environment , the right to have a family, the right to legal certainty and justice, the right to be free from threats, discrimination and violence, the right to protection, the right to fight for rights, and the right to government. One form of protection for citizens is the protection of the right to be free from threats and violence. In this regard, sexual violence should be something that is never expected to occur in the midst of people's living conditions, both in the home environment and in the educational environment.

The right to be free from threats, discrimination and violence is a very important right to be aware of. Fulfillment of this right is also related to other constitutional rights, namely the right to protection and the right to justice. The implementation of the right to protection and the right to justice is also very important for victims in handling cases of sexual violence. At the level of social construction of Indonesian society, which largely still uses the patriarchal paradigm, women are placed as second class citizens.

Fulfillment of constitutional rights is imposed on all citizens, including state institutions. UIN KH Abdurrahman Wahid Pekalongan, which is an educational institution under the auspices of the Ministry of Religion of the Republic of Indonesia, has made efforts to fulfill women's constitutional rights to protection from sexual violence on campus. As explained by the author, there were 12 cases of sexual violence that occurred at UIN KH Abdurrahman Wahid Pekalongan where the victims were predominantly women. The efforts made by UIN KH Abdurrahman Wahid Pekalongan to protect women from sexual violence are contained in the Chancellor's Decree Number 773 of 2020 concerning Guidelines for Preventing and Handling Sexual Violence at the Pekalongan State Islamic Institute.

Judging from the background or underlying basis for the Chancellor's Decree Number 773 of 2020 concerning Guidelines for the Prevention and Handling of

Sexual Violence at the Pekalongan State Islamic Institute, it refers to constitutional rights, namely that every campus member has the right to feel safe and free from all forms of sexual violence in accordance with with Pancasila and the 1945 Constitution of the Republic of Indonesia. Furthermore, UIN KH Abdurrahman Wahid Pekalongan is also obliged to provide personal protection, honor, dignity and the right to feel safe for campus residents from threats and practices of sexual violence. According to the author, the fulfillment of women's constitutional rights to protection from sexual violence as stated in the Chancellor's Decree Number 773 of 2020 concerning Guidelines for the Prevention and Handling of Sexual Violence at the Pekalongan State Islamic Institute includes:

1. Preventive measures. This action is taken to prevent sexual violence before there is an incident of sexual violence against victims on campus. This preventive action is contained in Article 5 of the Chancellor's Decree Number 773 of 2020 concerning Guidelines for Preventing and Handling Sexual Violence at the Pekalongan State Islamic Institute.
2. Comfortable space for victims of sexual violence. This is in the Chancellor's Decree Number 773 of 2020 concerning Guidelines for the Prevention and Handling of Sexual Violence at the Pekalongan State Islamic Institute, it is explained that there is a special room for victims of sexual violence so that they can restore the victim's condition, namely the Integrated Service Unit (ULT) Equivalent to UIN KH Abdurrahman Wahid Pekalongan.
3. Assistance to victims of sexual violence so that perpetrators of sexual violence receive the fairest possible sanctions.
4. The sanctions are contained in the Chancellor's Decree Number 773 of 2020 concerning Guidelines for Preventing and Handling Sexual Violence at the Pekalongan State Islamic Institute.

Factors Inhibiting the Fulfillment of Women's Constitutional Rights to Protection from Sexual Violence at UIN KH Abdurrahman Wahid Pekalongan

Factors that hinder the fulfillment of women's constitutional rights to protection from sexual violence at UIN KH Abdurrahman Wahid Pekalongan are as follows:

1. Patriarchal culture

Patriarchal culture is an obstacle in overcoming cases of sexual violence on campus because the stigma or thought values regarding patriarchy are so entrenched that it is very difficult to get people to be solid in generalizing about gender. This is as stated by the head of PSGA UIN KH Abdurrahman Wahid Pekalongan:

“Patriarchal culture has been *a mindset* for a long time. This is a major obstacle in eradicating cases of sexual violence. "Then not everyone knows and wants to know about the concept of gender and there is no awareness to prevent sexual violence."³

2. Bad judgment when cases of sexual violence emerge on campus.

"Secondly, sexual violence is used as a disgrace or a bad mark on the campus which is considered to be able to damage the good name of the campus. "In fact, the Minister of Education's statement, Mr. Nadiem Makarim, stated that the good name of the campus will increase when the campus succeeds in resolving and eliminating cases of sexual violence that occur on campus and instead of covering up cases of sexual violence that occur."⁴

3. Minimal budget.

The budget is an important thing so that activities that have been very well conceptualized run smoothly. The Integrated Services Unit equivalent to UIN KH Abdurrahman Wahid has many task indicators. So when the budget set is not sufficient to realize the activities that have been planned it will be hampered.

"In preventing cases of sexual violence at UIN KH Abdurrahman Wahid Pekalongan, the budget for carrying out activities or outreach regarding sexual violence, which is a form of preventing the occurrence of sexual

³Interview with the Head of PSGA UIN KH Abdurrahman Wahid Pekalongan, 10 August 2023.

⁴Interview with the Head of PSGA UIN KH Abdurrahman Wahid Pekalongan, 10 August 2023.

violence, is very minimal. "Sometimes there are also activities that are not *covered* in the DIPA budget, so ULT Setara friends carry out their own initiatives so that these activities that are not covered can be carried out."⁵

4. Lack of outreach carried out by institutions handling sexual violence.
According to students, the PSGA institution which has been mandated to prevent and handle sexual violence on the UIN KH Abdurrahman Wahid Pekalongan campus is not optimal, especially in the context of socialization regarding sexual violence. This happens, because every year the number of students increases so that there are still many lines of students who do not know about the PSGA institution itself and about sexual violence.

5. Intervention or threat to the victim.
The context of threats to victims is usually carried out by predators of sexual violence, this happens because it is so that the predator is safe for what he has done, then usually incidents of sexual violence are carried out in a quiet room or there are only the victim and the predator. This is the author's summary in the results of interviews with students.

⁵Interview with the Head of PSGA UIN KH Abdurrahman Wahid Pekalongan, 10 August 2023.

Conclusion

UIN KH Abdurrahman Wahid Pekalongan, which is an educational institution under the auspices of the Ministry of Religion of the Republic of Indonesia, has made efforts to fulfill women's constitutional rights to protection from sexual violence on campus. There were 12 cases of sexual violence that occurred at UIN KH Abdurrahman Wahid Pekalongan the victim is race Woman . The efforts made by UIN KH Abdurrahman Wahid Pekalongan to protect women from sexual violence are contained in the Chancellor's Decree Number 773 of 2020 concerning Guidelines for Preventing and Handling Sexual Violence at the Pekalongan State Islamic Institute .

Factors that become The obstacle to fulfilling women's constitutional rights to protection from sexual violence at UIN KH Abdurrahman Wahid Pekalongan is that patriarchal culture becomes an obstacle in overcoming cases of sexual violence on campus because the stigma or thought values regarding patriarchy are deeply rooted so as to invite many people to be solid in generalizing gender issues. very difficult, poor assessment when cases of sexual violence arise on campus, minimal budget, lack of outreach carried out by institutions handling sexual violence, and intervention or threat towards the victim.

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