THE EFFECT OF MUSLIM COMMUNITY ACCEPTANCE OF SEXUAL CONSENT ON THE EFFECTIVENESS OF THE MINISTER OF EDUCATION, CULTURE, RESEARCH AND TECHNOLOGY REGULATION NUMBER 30 OF 2021

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Abstract: This study aims to analyze the effect of Muslim community acceptance on the effectiveness of the Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 (Permendikbudristek No. 30 of 2021). The presence of the phrase "sexual consent" hereinafter referred to as sexual consent in Permendikbudristek No. 30 of 2021 has an impact on the issue of refusal of sexual consent among the Muslim community. As a country that is imbued with religious beliefs, especially Islam, the Muslim community is of the view that the existence of sexual consent can injure the noble values of the One Godhead. The rolling issue of refusal can affect the effectiveness of the law. This study uses a socio-legal legal
research method with a sociological approach and a conceptual approach. Sources of data using primary and secondary data with data collection techniques through interviews and survey methods. The data obtained from the survey were analyzed using a simple linear regression equation. The results showed that based on the results of linear regression analysis, the acceptance of the Muslim community towards sexual consent has a significant effect on the effectiveness of Permendikbud No. 30 of 2021. The form of acceptance of the Muslim community tends to be in the form of rejection of sexual consent regulated in Permendikbud No. 30 of 2021.

**Keywords:** Legal Effectiveness, Sexual Consent, Muslim Society, Divine Values.

**Introduction**

The Ministry of Education, Culture, Research, and Technology, hereinafter referred to as the Ministry of Education and Culture, has passed the Regulation of the Minister of Education, Culture, Research, and Technology Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence in Higher Education Environments, which is hereinafter referred to as "Permendikbudristek No. 30 of 2021" as a form of elimination of sexual violence in the higher education environment.

Based on the results of several studies, the number of sexual violence cases in higher education has increased. Based on 174 testimonials from 79 campuses in 29 Indonesian cities conducted in 2019, it shows that sexual violence occurred in the campus environment, internship sites, lecturers’ homes, online spaces, and off campus with 172 victims who were still students.\(^1\) In 2020, a survey by the Directorate General of Higher Education, Research and Technology revealed that

\(^1\) Komisi Nasional Anti Kekerasan Terhadap Perempuan (Komnas Perempuan), “CATAHU 2022 : Catatan Tahunan Terhadap Perempuan Tahun 2021” (Jakarta, March 7, 2022), 85
29% of sexual violence originated from universities.² In 2021, research by the Mulawarman University Faculty of Social and Political Sciences Student Executive Board (BEM FISIP) revealed that 92% of 162 respondents experienced Online Gender-Based Violence (KBGO).³

Chart 1. Percentage of Sexual Violence in the Educational Environment Based on Education Level, National Commission on Violence Against Women Complaints in 2015-2021 (N=67)

Source: Annual Record of National Commission on Violence against Women in 2022

67 cases of sexual violence complained to the National Commission on Violence against Women throughout 2015–2021 showed that the first place was occupied by 35% of universities, then the second place by Islamic boarding schools by 16%, and then at the high school level by 15%. While the percentage of Unidentified is 11%, the complainant only mentions the school’s chronology without mentioning elementary, middle, or high school. Cases of sexual violence

³ Komisi Nasional Anti Kekerasan Terhadap Perempuan (Komnas Perempuan), op.cit
in Indonesia have become an "iceberg phenomenon," where cases of sexual violence that have been successfully reported by victims only embody the tip of the iceberg. This is because it is said that more cases of sexual violence haven’t been reported by the victim. This is in line with the results of a survey by the Directorate General of Higher Education, Research and Technology conducted in 2020 which showed that 77% of lecturers stated that sexual violence had occurred on campus and 63% of them did not report the case.4

Amid the iceberg phenomenon that is sexual violence, the community pays special attention to Permendikbudristek No. 30 of 2021. The government intends to protect against sexual violence through Permendikbudristek No. 30 of 2021. Several community responses, particularly from the Muslim community, began with the phrase "without the victim's consent" or "sexual consent," as mentioned in Permendikbudristek No. 30 of 2021. The formulation of this article containing sexual consent became controversial, so it invited a variety of responses from the Muslim community and even Islamic community organizations such as the Indonesian Ulama Council, Nahdatul Ulama, and Muhammadiyah. In Permendikbudristek No. 30 of 2021, Article 5 paragraph (2) contains the formulation of norms with the phrase "without the consent of the victim." Because it implies that sexual activity can be justified if there is consent, the formulation of as simple norms as possible can result in a biased meaning on the substance of sexual violence. The idea of "legalization" of consent-based sexual activity comes from the fact that sexual consent is now a part of the rules about sexual violence.5

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4 Ibid
The response of the Muslim community to Permendikbudristek No. 30 of 2021 in the phrase "without the consent of the victim" tends to lead to rejection. The Muslim community thinks it's not right for sexual consent to be used in Indonesian society. The response of the community that refuses sexual consent then influences the effectiveness of Permendikbudristek No. 30 of 2021.

This community rejection then becomes a benchmark for community acceptance, which affects the effectiveness of a law. The effectiveness of a law can be measured by how well it causes things to happen the way the law wants or expects them to. In reality, the purpose of law is not only to regulate but also to act as a tool of social engineering, which defines law as a means to change people's behavior by the established law’s objectives. If the law that was created does not work, it is critical to determine what is impeding the law’s objectives. If the law formed is ineffective, it is necessary to analyze the factors that hinder the achievement of the established legal objectives. The meaning of law as a social engineering tool includes not only establishing patterns of habits and behaviors in society, but also being able to direct behavior toward the goals that the law follows, eliminating habits that are no longer by the law, and creating new patterns of habits and behaviors.

Lawrence M. Friedman stated that whether a law can be effective or not is affected by three elements of the legal system: first, the legal structure, second, the substance of the law, and third, the legal culture. In this case, the connection

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7 Lili Rasjidi and Ira Thania Rasjidi, Pengantar Filsafat Hukum (Bandung: PT. Citra Aditya Bakti, 2007), 79
9 M. Lawrence Friedman, Hukum Amerika: Sebuah Pengantar, Terjemahan Dari American Law An Introduction, 2nd ed. (Jakarta: Tatanusa, 2001), 6-8
between the law and society is part of the third part of the legal system, which is called "legal culture." People think that the place where a legal system is set up depends on its legal culture and how it fits into the culture of the society. Society in this case becomes a very important part of a legal culture. According to Soerjono Soekanto, society is one of the factors that influence the effectiveness of the law. As a result, it is possible to interpret the community environment in which the law applies, or what is commonly referred to as "legal culture," as being shaped by attitudes and values related to the law and influencing legal events.

Previous research 2021-2022 talked about what is sexual consent or how to effective Permendikbudristek No. 30 of 2021 like research who wrote Andrew Shandy Utama in “Analisa Yuridis Terhadap Peraturan Menteri Pendidikan, Kebudayaan, Riset, Dan Teknologi Nomor 30 Tahun 2021 Tentang Pencegahan Dan Penanganan Kekerasan Seksual di Lingkungan Perguruan Tinggi” and Research by Irwan and Hardianto Djanggih about “Pencegahan Dan Penanganan Kekerasan Seksual Di Lingkungan Perguruan Tinggi”. This research wants to answer the problems that have been described above, an analysis of the Muslim community’s acceptance of sexual consent is carried out to be able to find prescriptions that will be used as a solution to problems regarding sexual consent. This research is also expected to

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11 Soerjono Soekanto, Faktor-Faktor Yang Mempengaruhi Penegakan Hukum (Jakarta: PT. Raja Grafindo Persada, 2008), 8
provide legal effectiveness against rules that have legal norms for sexual consent.

The problems that will be studied have two aspects: (1) how is the concept of legal effectiveness? (2) what is the Muslim community’s acceptance of sexual consent in Permendikbudristek No. 30 of 2021?

To answer the problems that have been described above, an analysis of the Muslim community’s acceptance of sexual consent is carried out to be able to find prescriptions that will be used as a solution to problems regarding sexual consent. This research is also expected to provide legal effectiveness against rules that have legal norms for sexual consent.

Methods

This research uses socio-legal research methods. In socio-legal research, combines legal research and social research by examining the relationship between legal aspects and the reality that exists in society. The law is not only seen as an independent or esoteric normative entity, but is rather viewed as a real part of the social system relating to other social variables. Researchers will examine the relationship between the acceptance of the Muslim community and the phrase "without the consent of the victim" or sexual consent and its effect on the effectiveness of Permendikbudristek No. 30 of 2021.

The data sources used in the study are primary data sources and secondary data sources. First, primary data sources are obtained directly from the first source obtained directly in the field or by the object or subject of research. The technique of collecting primary data sources uses the interview method with speakers, namely interviews with the Indonesian Ulama Council (MUI) East Java, the Nahdhatul Ulama Regional Leader (PWNU) East Java, and the

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14 Soerjono Soekanto, Pendekatan Sosiologi Terhadap Hukum (Jakarta: Bina Aksara, 1988), 9
Muhammadiyah East Java Regional Leader. The second uses survey methods with questionnaires that are filled out in person and online (via Google Forms). In the second, a secondary data source is obtained through the second source. Secondary data comes from laws and rules, books, theses, dissertations, scientific journals, and reputable institutions.

**Concepts of Legal Effectiveness**

Etymologically, "effectiveness" comes from the word "effective" in Indonesian or "effective" in English, which has been absorbed in Indonesian and means successful or that something done is successful. When talking about the effectiveness of the law, it means talking about how the power of the law works in forcing or regulating people to obey the laws that are passed.\(^{15}\) The effectiveness of the law according to Anthony Allot is how the law works to be able to realize its goals, or, in other words, how the law can fulfill its goals.\(^{16}\) The law was created to regulate human behavior; thus, human actions should be by applicable norms. Law functions as a social engineering tool, changing people's behavior from non-compliant to compliant with the regulations required by law. A judgment of value is an assessment that a person's behavior is in line with the norm or should be in line with the norm. This can be used to describe how well the act fits with the norm.\(^{17}\) The making and passing of laws and rules show that there are legal standards that are made or made up to govern the rights and responsibilities of every person.

There are several theories regarding the effectiveness of the law. Lawrence M. Friedman says that the effectiveness or success of enforcing a law depends on three parts of the legal

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\(^{15}\) Soerjono Soekanto, *Pendekatan Sosiologi Terhadap Hukum* (Jakarta: Bina Aksara, 1988), 9  
\(^{16}\) Diana Tantri Cahyaningsih, “Mengurai Teori Effectiveness of Law Anthony Allot,” *Recht Vinding*, 2021, 1  
\(^{17}\) Jimly Ashshiddiqie and M. Ali Safaat, *Teori Hans Kelsen Tentang Hukum* (Jakarta: Setjen & Kepaniteraan MK-RI, 2006), 44
system: the structure of the law, the substance of the law, and legal culture.

Law enforcement officers are a part of the legal structure, legal instruments are a part of the legal substance, and legal culture is a society’s acceptance of a living law. Also, Lawrence M. Friedman said the following about the structure, content, and culture of the law: First, the legal structure:

“… the durable part, which gives a kind of shape and definition to the whole … The structure of a legal system consists of elements of this kind: the number and size of courts; their jurisdiction (that is, what kind of cases they hear, and how and why); and modes of appeal from one court to another. Structure also means how the legislature is organized, how many members., what a president can (legally) do or not do, what procedures the police department follows, and so on. Structure, in a way, is a kind of cross-section of the legal system. A kind of still photographs, which freezes the action”, 18

The legal structure comes from legal institutions or institutions that have a function in the formation and application of law, or what is commonly called law enforcement. The elements of law enforcement are the existence of law enforcement officials, which include an understanding of law enforcement institutions and law enforcement officers (persons) consisting of the police, prosecutors, judiciary, legal advisors, and prison guards. All people who enforce the law, whether it’s a machine or a person, can tell you how it can be carried out based on its formal provisions. A description of how the courts, lawmakers, and legal entities and processes run. Law enforcement agencies such as the police, prosecutors, and courts are part of the structure of the legal system in Indonesia. If law enforcement officers are not able to enforce the law, the law will not work properly. The law cannot run

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well when law enforcers do not have credibility, good competence, and are independent.

Second, the legal substance:
“... the actual rules, norm, and behavior patterns of people inside the system”. 19

Legal substance contains the rules, norms, and patterns of human behavior that are contained in a legal system. The applicable laws and regulations are both a manifestation of legal substance and a guideline or foundation for law enforcement officers in carrying out their duties and functions. The role of the legal substance as a substantial system that determines whether or not the law can be implemented

Third, legal culture:
“.. people’s attitudes toward law and legal system? Their beliefs, values, ideas, and expectations... The legal culture, in other words, is the climate of social thought and social force that determines how law is used, avoided, or abused. Without legal culture, the legal system is inert. a dead fish lying in a basket, not a living fish swimming in its sea”. 20

Legal culture is a human attitude towards the law and the legal system, an attitude that is born through a system of beliefs, values, thoughts, and expectations that become an atmosphere of social thought and social power that determines how the law is used, avoided, or misused. Law and culture are always developing, and this development is influenced by the shift in values that exist in society. The success or failure of the law in achieving its goals can be seen through public acceptance, which shows whether or not a norm adopted in the rule of law is successful. From this, it will be clear whether a rule that is enforced is effective at controlling how people act, which will tell us whether or not it should be made into a rule of law. In the end, legal culture

20 Ibid
is made up of basic ideas and values about what is good to do and what is bad to stay away from. The public can accept something either by accepting it or by rejecting a law that applies to it. This is very important to remember because if a law is passed without the support of the community, it might not work. Legislators can get public support if the rules, norms, and values they set in law are in line with the legal beliefs of the community. The higher the level of adjustment between statutory regulations and the culture of the community, the better the application of the law in achieving legal goals, and vice versa, the lower the level of adjustment between the legislation and the culture of society, the worse the application of the law in achieving legal goals. The way the law is used to reach legal goals is better when there is a good fit between the law and the culture of the community. On the other hand, the way the law is used to reach legal goals is worse when there isn’t a good fit between the law and the culture of the community.

According to Anthony Allot, three factors cause the law to be ineffective. First, because of the lack of supporting instruments for the law, such as implementing regulations, institutions, or processes related to the implementation and application of the law. Second, because of the inability to convey the intent and purpose of the applicable law or the non-communication of norms to the public. One of them is because of the conflict between the legislators and the community. Third, because the goals lawmakers want to reach and the way people live are at odds with each other.21 “A second reason for the ineffectiveness of laws lies in the possible conflict between the aims of the legislator and the nature of the society in which he intends his law to operate.” 22

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21 Diana Tantri Cahyaningsih, “Mengurai Teori Effectiveness of Law Anthony Allot.” Recht Vinding, 2021, 4
22 Ibid
According to Anthony Allot, if the law is contrary to the customs and aspirations of the community, it will greatly affect the effectiveness of the law.\textsuperscript{23} When a conflict occurs, the law will not get support from the community. There is a condition that affects the law so that it has the power to influence human attitudes or behavior. that the community must accept the applicable legal norms. In this condition, when the opposite happens, the community does not accept the applicable legal norms. The law is based on Pancasila which is the crystallization of the view and philosophy of life which is closely related to the value of ethical values and noble morals as stated in the preamble of the 1945 Constitution and implied in the articles of the body of the 1945 Constitution.\textsuperscript{24} Hamdan Zoelva emphasized the position of the first principle of Belief in God Almighty as the "causa prima" of the other principles. The basis for the notion of Belief in One God lies in the placement of religious teachings as a source of value that becomes the basis and corridor for every state policy. This means that there should be no policy that contradicts or deviates from Belief in One God.\textsuperscript{25} This statement is by Kaelan, according to him, the principle of Belief in God Almighty is a source of spirituality, a moral basis in the implementation of state and social life, and functions as a legal order where every legislation in force in Indonesia must be coherent with Belief in God Almighty as a moral source.\textsuperscript{26} So, the government as the legislator must return to fix the norms that must be corrected so that they refer to the values contained in Pancasila. As Pancasila is the source of all sources of law, Law will be more important when religion and customs, which are other ways to keep people in line, are

\textsuperscript{23} Ibid, 5
\textsuperscript{24} Arief Hidayat, “Negara Hukum Berwatak Pancasila,” Mahkamah Konstitusi Republik Indonesia (Jakarta: Mahkamah Konstitusi Republik Indonesia, n.d.), 3
\textsuperscript{25} Meyrinda Rahmawati Hilipito, Kejahatan Seksual Vs Kekerasan Seksual: Problem Paradigma Sexual Consent Dalam RUU P-KS (Jakarta: Yayasan AILA, 2020), v
\textsuperscript{26} Kaelan, Negara Kebangsaan Pancasila; Kebangsaan Multikultural Bhineka Tunggal Ika (Yogyakarta: Paradigma, 2018), 217-218
more important. Therefore, the validity of the law cannot be forced as long as there are other means of social control adopted by the community. The law is a last resort when a problem in society can no longer be solved by other means. 27

The Muslim Community's Acceptance of Sexual Consent in Regulation of the Minister of Education, Culture, Research, and Technology Number 30 of 2021 Concerning the Prevention and Handling of Sexual Violence in Higher Education Environments (Permendikbudristek No. 30 of 2021)

Law and society are closely related; the legal academy's motto, "Ubi Societas Ibi Ius," translates to "where there is a society, there is law." Humans who get together to create a group and live together for a considerable amount of time are said to develop a society, which gives rise to local culture. For the interactions that are developed between fellow communities to take place successfully, there are values for how to conduct life in this community. The law that then governs society serves a deeper purpose: to regulate and constrain society's behavior so that it stays within predetermined bounds or doesn't contradict what God has entrusted to it.

In simple terms, society and the law have a reciprocal relationship. Law and society are two different entities that coexist. The law without society will not function, and conversely, a lawless society is likened to a wild animal that lives without having any governing rules in it. The dynamic nature of society creates dynamics toward laws that serve as social control and social engineering. This means that the law is not allowed to be isolated from the reality of a social system of a dynamic nature. 28

27 Zainuddin Ali, Sosiologi Hukum (Jakarta: Sinar Grafika, 2021), 65
28 Marrett Leiboff and Mark Thomas, Legal Theories: In Principle (Sydney: Lawbook Company, 2004), 212
The conflict that arises amid the relationship between law and society will create endless problems if it is not immediately resolved from both the legal perspective and society itself. As is the case with sexual consent, which gives birth to opposition amid society, it also creates endless problems. The reason for this is that the issue of the Muslim community’s rejection of sexual consent, as stated in Permendikbudristek No. 30 of 2021, is still ongoing. If the government, which has the power to make laws and rules, keeps ignoring this problem, it will be worse for legal activities than Permendikbudristek No. 30 of 2021.

To see the effect of acceptance of the Muslim community on the effectiveness of Permendikbudristek No. 30 of 2021 on 516 respondents consisting of Gen Z, Gen Y, and Gen X in a questionnaire regarding "The Effect of Muslim Community Acceptance on Sexual Consent on the Effectiveness of the Regulation of the Minister of Education, Culture, Research, and Technology Number 30 of 2021," which was distributed from June 2022 to August 2022, the results of the analysis are as follows:

**Validity Test**

Analysis of the validity test in a study that uses a survey method with a questionnaire instrument is needed to test whether or not the questions in a research questionnaire are accurate or valid. From the analysis of the research questionnaire’s validity, the following results were found:

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<thead>
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<th>Items</th>
<th>count</th>
<th>table</th>
<th>Description</th>
</tr>
</thead>
<tbody>
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<td>0,086</td>
<td>Valid</td>
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<tr>
<td>2.</td>
<td>X2</td>
<td>0,535</td>
<td>0,086</td>
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<td>3.</td>
<td>X3</td>
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<td>4.</td>
<td>X4</td>
<td>0,294</td>
<td>0,086</td>
<td>Valid</td>
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</tbody>
</table>
the Effect of Muslim Community Acceptance of Sexual Consent...

<table>
<thead>
<tr>
<th>No.</th>
<th>Items</th>
<th>count</th>
<th>table</th>
<th>Description</th>
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</thead>
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<td>6.</td>
<td>X6</td>
<td>0,498</td>
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<td>7.</td>
<td>X7</td>
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<td>8.</td>
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<td>11.</td>
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<td>16.</td>
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<td>0,589</td>
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<td>17.</td>
<td>X17</td>
<td>0,550</td>
<td>0,086</td>
<td>Valid</td>
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</tbody>
</table>

Source: Processed Primary Data, 2022

The results of the validity test are in Table 1. The Validity Test of Variable X shows that each question variable X has a rcount value greater than the table value, which is 0.086, so it can be concluded that the results of the validity test for each question variable X are valid.

Table 2 Check the validity of the variable Y, "Effectiveness of Regulation of the Minister of Education, Culture, Research, and Technology Number 30 of 2021"
The results of the validity test are in Table 2. The Y Variable Validity Test shows that each question variable Y has a rcount value greater than the table value, which is 0.086, so it can be concluded that the validity test results for each Y variable question are valid.

Reliability test

Analysis of the reliability test using the Cronbach Alpha test was carried out for instruments that had more than one correct answer. Such as essays, questionnaires, or surveys. If the results of the reliability test show a Cronbach Alpha value > 0.6, then this indicates that each question used as a measuring instrument in this study is reliable.

Table 3 Reliability Test for Variable X
"Muslim Community Acceptance of Sexual Consent"

<table>
<thead>
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<th>Reliability Statistics</th>
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<tbody>
<tr>
<td>Cronbach’s Alpha</td>
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<tr>
<td>N of Items</td>
</tr>
<tr>
<td>0.674</td>
</tr>
<tr>
<td>17</td>
</tr>
</tbody>
</table>

The results of the reliability test are in Table 3. Reliability Test of Variable X shows that the Cronbach Alpha value is

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0.674, so it can be concluded that Cronbach Alpha > 0.6, which indicates that each question for the X variable is reliable.

Table 4. Reliability Test for Variable Y, "Effectiveness of Minister of Education, Culture, Research, and Technology Number 30 of 2021"

<table>
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<th>Reliability Statistics</th>
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</thead>
<tbody>
<tr>
<td>Cronbach's Alpha</td>
</tr>
<tr>
<td>0.670</td>
</tr>
</tbody>
</table>

The results of the reliability test are in Table 4. The Y Variable Reliability Test shows that the Cronbach Alpha value is 0.670. This means that Cronbach's Alpha is greater than 0.6, which means that each Y variable question can be trusted.

**Simple Linear Regression**

Table 5. Model Summary

<table>
<thead>
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<th>Model Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Model</td>
</tr>
<tr>
<td>1</td>
</tr>
</tbody>
</table>

a. Predictors: (Constant), Muslim community acceptance of sexual consent

Source: Processed Primary Data, 2022

Based on the results of the data analysis in Table 5 Model Summary: It can be explained that the correlation or relationship (R) value is 0.780. The R-value indicates how much influence the independent variable, or the acceptance of the Muslim community, has on sexual consent (X) on the dependent variable, or the effectiveness of Permendikbudristek No. 30 Of 2021 (Y). That is, the R-value of 0.780 means that 78% of the influence of the independent variable, or the acceptance of the Muslim community on sexual consent (X), on the dependent variable, or the
effectiveness of the Minister of Education and Culture No. 30 of 2021 (Y).

Therefore, it can be concluded that if the Muslim community's acceptance of sexual consent is good, the effectiveness of Permendikbudristek No. 30 of 2021 follows well, and vice versa, if the Muslim community cannot receive sexual consent, then the effectiveness of Permendikbudristek No. 30 of 2021 also follows less well. For the remaining 22%, this is another factor that affects the effectiveness of Permendikbudristek No. 30 of 2021, which is not described in this study.

Table 6. Coefficients

<table>
<thead>
<tr>
<th>Coefficientsa</th>
<th>Model</th>
<th>Unstandardized Coefficients</th>
<th>Standardized Coefficients</th>
<th>Sig.</th>
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</thead>
<tbody>
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<td></td>
<td>B</td>
<td>Std. Error</td>
<td>Beta</td>
<td></td>
</tr>
<tr>
<td>(Constant)</td>
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<td>1,115</td>
<td>27,278</td>
<td>,000</td>
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<tr>
<td>Muslim</td>
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<td>,027</td>
<td>,380</td>
<td></td>
</tr>
<tr>
<td>community's</td>
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</tr>
<tr>
<td>acceptance</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>of sexual</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>consent</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Dependent Variable: Effectiveness of Permendikbudristek No. 30 of 2021

Source: Processed Primary Data, 2022

Based on the data analysis in Table 6 The coefficients can be seen to have value of 30.402 and a value of 0.255. They are then calculated using a simple linear regression equation model formula to find out the influence of the independent variable, or the acceptance of the Muslim community on sexual consent (X), on the dependent variable, or the
effectiveness of Permendikbudristek No. 30 of 2021 \((Y)\), as follows:
\[ Y = \alpha + \beta x \]
\[ Y = 30,402 + 0, 255 (0) \]
\[ Y = 30,402 \]

The results of the simple linear regression equation above show that the regression coefficient \((b)\) is 30,402. It shows the independent variable, or the acceptance of the Muslim community on sexual consent \((X)\), has a positive or strong influence on the dependent variable, or the effectiveness of Permendikbudristek No. 31 for the 2021 \((Y)\).

Furthermore, judging from the results of a \(t\)-count of 9.301 and a \(t\)-table of 1.964, it can be interpreted that the results of a \(t\)-count are greater than those of a \(t\)-table. Or, as seen from the value \((\text{Sig})\) of 0.000 to 0.05, it can be interpreted that \(H_a\) is accepted. From these results, it is concluded that the Muslim community’s acceptance of sexual consent has a significant effect on the effectiveness of Permendikbudristek No. 30 of 2021. When looking at the coefficient value \((\text{Beta})\), which has a value of 0.38, it can be said that the independent variable, or Muslim community acceptance of sexual consent \((X)\), has a big enough effect on the dependent variable, or the effectiveness of Permendikbudristek No. 30 Of 2021 \((Y)\).

Based on the overall results of the analysis from Table 6. The coefficients above conclude that \(H_a\) is accepted. This means that the acceptance of the Muslim community towards sexual consent has a sufficient influence on the effectiveness of Permendikbudristek No. 30 of 2021 if the public can receive sexual consent, the effectiveness of Permendikbudristek No. 30 of 2021 will be good fit for the purpose, but vice versa if the public cannot receive sexual consent then the Effectiveness of Permendikbudristek No. 30 of 2021 cannot be said to be effective.
Table 7. Annova

<table>
<thead>
<tr>
<th>Model</th>
<th>Sum of Squares</th>
<th>df</th>
<th>Mean Square</th>
<th>F</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regression</td>
<td>1030,601</td>
<td>1</td>
<td>1030,601</td>
<td>86,514</td>
<td>&lt;0.001</td>
</tr>
<tr>
<td>Residual</td>
<td>6123,049</td>
<td>514</td>
<td>11,913</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>7153,649</td>
<td>515</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. Dependent Variable: Effectiveness of Permendikbudristek No. 30 of 2021
b. Predictors: (constant), Muslim community acceptance of sexual consent

Source: Processed Primary Data, 2022

Based on an examination of Table 7, Annova’s simple linear regression can be calculated to determine the effect of the Muslim community’s acceptance of sexual consent on the effectiveness of Permendikbudristek No. 30 of 2021 by calculating the independent variable, namely the acceptance of the Muslim community towards sexual consent (X), on the dependent variable, namely the effectiveness of Permendikbudristek No. 30 of 2021. In simple linear regression analysis, there are two ways to make decisions, such as:

a. If the value of $F_{\text{count}} > F_{\text{table}}$ or a significant value of 0.05, it means that the X variable affects the Y variable, and $H_a$ is accepted.
b. If the value of $F_{\text{count}} < F_{\text{table}}$ or significant value $> 0.05$, it means that the X variable has no effect on the Y variable and $H_a$ is rejected.

The formula used to determine $F_{\text{table}}$ is:

$df_1 (N_1) = K-1 = 2-1 = 1$
$df_2 (N_2) = n-k = 516-2 = 514$

Description
k = number of variables (independent and dependent)
n = number of samples/respondent
In the distribution $F_{table}$ above, it can be seen the magnitude of $f$ by referring to $N_1 = 1$ and $N_2 = 514$, then $F_{table}$ is 3.859.

Based on the results of the data analysis in Table 7 Anova, can find a simple linear regression equation model. It is known that the value of $F_{count} = 86.514$ has a significant level of 0.000 0.05, which means that the independent variable, or Muslim community acceptance of sexual consent ($X$), has a strong effect on the dependent variable, or the effectiveness of Permendikbudristek No. 30 Tahun 2021 ($Y$). When compared with the value of $F_{table}$, which has a value of 3.859 and a significant level of 0.05, it can be concluded that the value of $F_{count}$ is 86.514, which is higher than $F_{table}$'s value of 3.859. Thus, the Muslim community’s acceptance of sexual consent has a significant effect on the effectiveness of Permendikbudristek No. 30 Of 2021.

Not only did the Muslim community refuse sexual consent, but Islamic community organizations also voiced this rejection. Persyarikatan Muhammadiyah through a press release, Press Release: Council of Higher Education Research and Development (Diktilitbang) Muhammadiyah Central Executive Related to Permendikbudristekristek No. 30 of 2021," delivered three recommendations, and two of them are:30

1. Muhammadiyah stated that the Minister of Education and Technology should formulate policies and regulations based on religious values, Pancasila, and the 1945 Constitution of the Republic of Indonesia.
2. Mendikbudristek should revoke or revise Permendikbudristekristek No. 30 of 2021 so that the formulation of Permendikbudristek No. 30 of 2021 must comply with the formal provisions for the formation of laws and material provisions in which there must be no norms that conflict with religious norms, the values

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Also, the results of an interview with the Muhammadiyah Regional Leadership in East Java show that Muhammadiyah agrees that preventing sexual violence is important and part of the goal of enforcing religion. Islam has a religious purpose called *Maqasid Al-Shari’ah*. The first is *Hifdzud Deen*, namely maintaining the extension of religion so that people do not deviate. The second is *Hifdzun nafs*, namely, preserving the human soul. The third is *Hifdzun aql*, which protects the human mind. And lastly, *Hifdzun Nasl*, namely, maintaining the preservation or beauty of the offspring. Therefore, ideas to abolish sexual violence in religion, of course, have their place, namely in the protection of offspring. However, the phrase "without the victim's consent," which refers to sexual consent, must be corrected lest there be the impression that Permendikbudristek No. 30 of 2021 is a regulation based on secularism and not based on Pancasila. The first precept of Belief in One God is uphold the universal noble values of all religions, which does not exist in Indonesia and no single religion then legalizes adultery (sexual consent in religion is called *zina* or adultery). So, in this case, the Government must be open to corrections and things that turn out to be contrary to the spirit of Pancasila are corrected. Sexual consent is a crime in the Arabic *fiqh of Jarimah*. The logic of sexual consent emerges in secular Western countries where policies never refer to religious morals, but instead to the principle of freedom, the principle of liberality, that one’s freedom must be respected. If you like it, then living under the same roof is not prohibited, and it is not something that is considered to deviate from the moral ideal. However, if it is placed in Indonesia, it is not appropriate because Indonesia is not a secular country. In fact, the national consensus affirms that the Unitary State of the Republic of Indonesia is a Pancasila State.
Then, quoted from one of the official articles published by Nahdhatul Ulama through the Head of Fatayat NU for Law, Politics, and Advocacy, he submitted a recommendation to Permedikbudristek No. 30 of 2021 to be revised so as not to cause multiple interpretations in the community. The reason is, in Permedikbudristek No. 30 of 2021, the main problem lies in the provisions of Article 5 paragraph (2) which contains the phrase "without the victim's consent" which can be interpreted that sexual activity can be justified if there is consent from the victim. A similar statement was conveyed by the East Java Nahdhatul Ulama Regional Leader through interviews. The phrase "without the victim's consent," which is then perceived by the community as sexual consent, needs to be revised. This means what already exists and is stated in Permedikbudristek No. 30 of 2021: if the public's perception of sexual consent leads to a pattern of free sexual relations, it is necessary to revise. As a result, Permedikbudristek No. 30 of 2021 was no longer interpreted in an absurd manner. This gave the impression that consent-based sexual relationships were now lawful. Islam places very tight restrictions on how men and women should interact while they are in a relationship. Men who are not married to women are forbidden by law to communicate, especially to have sexual relations. Any sexual activity carried out without a legal marriage bond is a crime. There is no sexual activity based on consensual relationships outside of marriage. Religion's goal is to regulate everything, both for the benefit of men and women and for the benefit of society. If it is not regulated, human behavior in the world is chaotic, like that of an animal. Then, in an important revision involving religious leaders, mass organizations, and kyai, ulama was able to provide views as they had been held in Islamic teachings in particular. So, the involvement of religious figures is important as the

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basis for Permendikbudristek No. 30 of 2021, not to violate the boundaries of moral ethics, especially religious norms, and moral norms, as well as scholars from academic circles, who are also important.

The response from the Indonesian Ulama Council about Permendikbudristek No. 30 of 2021, which was sent through the Ijtima’ Ulama Fatwa Commission of the Indonesian Ulema Council VII, says several things, such as:32

1. Whereas the provisions based on the phrase "without the consent of the victim" in Permendikbudristek No. 30 of 2021 are contrary to the values of religious law, Pancasila, the 1945 Constitution of the Republic of Indonesia, other laws and regulations, and the cultural values of the Indonesian nation.

2. The Indonesian Ulama Council asks the Government to revoke or at least evaluate and revise Permendikbudristek No. 30 of 2021 to comply with the procedures for establishing regulations as regulated in Law of the Republic of Indonesia Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Legislations, as well as the contents of which must be in line with religious law, Pancasila, Law 1945 Constitution of the Republic of Indonesia, other laws and regulations, and the cultural values of the Indonesian nation.

Through an interview with the Indonesian Ulama Council of East Java, he also expressed his views on sexual consent in Permendikbudristek No. 30 of 2021. If we talk about sexual consent, we talk about adultery. Sexual consent can be interpreted as a crime if there is no agreement, but when there is a mutual agreement, it is no longer considered

the Effect of Muslim Community Acceptance of Sexual Consent...

a crime. However, in Islam, this is not the case; whether there is an agreement or there is none, it is adultery. Thus, the phrase "without the victim's consent" in Permendikbudristek No. 30 Of 2021 becomes a bit heavy and doesn't fit the clause. If it is related to the term in ushul al-fiqh, namely mafhum mukhalafah, which means the opposite of the law mentioned, then sexual relations based on consent are no longer considered sexual violence or moral violation. If drawn into Islamic law, especially māqosid shari’ah or the purpose of shari’a, this is very contradictory.\textsuperscript{33} The Islamic perspective views consent about sexual relations as not the main requirement but an additional requirement after the main requirement, namely legal marriage, is fulfilled. It does not mean that consent is not important, it is undeniable that the existence of consent in sexual relations is also considered important, but in the corridor of legal marriage, then sexual relations can be justified both legally and Islamically.\textsuperscript{34}

Islam stipulates that if the marriage is not valid, whether there is consent or not, it is haram. Therefore, Harramun Lidzatihi is haram because of its substance. The essence itself is touching—touching the opposite sex without a valid marriage; it is already haram by itself, even though it is pleasurable, willing, and agreeable. In Q.S. Al Isra verse 2, it explains that:\textsuperscript{35}

\begin{quote}
This means, "And do not approach adultery, for (zina) is indeed an abominable act and a bad way." Thus, it becomes a hope for the clause "without the victim's consent" to be
\end{quote}

\textsuperscript{33} Beres, Herold, and Maitland, MĀQOSID SYARI’AH Dalil Lil al-Mubtadi’in (London: Al-Ma’had al- ‘Alami Li al-Fikri al-Islami, 2010).
\textsuperscript{34} Fahlia Alifa, “Penafsiran ‘Persetujuan Korban’ Pada Cakupan Bentuk Kekerasan Seksual dalam PERMENDIKBUDRISTEK (Kajian Pasal 5 Nomor 30 Tahun 2021)” (Universitas Islam Negeri Ar-Raniry, 2022), 25
\textsuperscript{35} Quran Surah Al Isra Verse 2
discussed further with experts to create a clause that is more relevant to religious teachings and also pays attention to social aspects of humanity. Legislation, if discussed jointly and involving many parties, will certainly minimize the occurrence of rejection and errors.

Conclusion

After the enactment of Permendikbudristek No. 30 of 2021, the issue of refusal of sexual consent has been widely debated among the Muslim community, including Islamic organizations that also express rejection of sexual consent. The effectiveness of this law is broadly influenced by three factors. First, the legal structure (the structure of law). Second, the law’s substance. Third, legal culture. The acceptance of the Muslim community in the form of rejection is included in the category of the legal culture factor, which then affects the effectiveness of Permendikbudristek No. 30 Of 2021. As a legal culture factor that reflects human attitudes towards the law and the legal system, in this case, the Muslim community considers that the adoption of sexual consent is not in line with Pancasila, which is the national idea of the Indonesian nation in building the foundation of Pancasila norms in social life, especially in laying down the values of God. the Almighty as the essence of life. No matter how good the legal structure arranges to carry out the stipulated legal rules and no matter how good the quality of the legal substance that is made, without the support of a legal culture by the people involved in the system and society, law enforcement will not run effectively. In this case, the Ministry of Education and Culture, which is part of the government, should change the phrase in the Permendikbudristek that Muslims think goes against the value of the One God.
Bibliography


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“Quran Surah Al Isra Verse 2,” n.d.


