

PROTECTION OF CHILDREN'S RIGHTS IN ISLAMIC EDUCATION: A LITERATURE STUDY AND LEGAL REVIEW OF CASES OF SEXUAL VIOLENCE BY TEACHERS

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ABSTRACT

Child rights protection in Islamic education is a crucial issue to ensure that children receive education that is safe, just, and dignified. However, in practice, cases of sexual violence by teachers in Islamic educational institutions still occur, threatening the safety and well-being of students. This study aims to examine the concept of child rights protection in Islamic education and analyze the legal application in cases of sexual violence committed by teachers. The method used in this research is a qualitative approach with literature review and legal analysis, collecting data through literature, legal documents, as well as studies on fiqh and positive law related to child protection. The findings indicate that although Islamic education emphasizes child rights protection, its implementation in Islamic educational institutions still faces various obstacles, such as weak supervision and teacher training, as well as social stigma hindering violence reporting. Better preventive measures, increased legal awareness, and inter-agency synergy are needed to create a safe and protected educational environment for children. In conclusion, child rights protection in Islamic education must be a top priority, involving all parties to create an education system that is not only intellectually enriching but also safe and compassionate.

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INTRODUCTION

Children are a trust from God who must be protected and guided with the utmost care. They are the next generation who will determine the future of the nation and the ummah (Suroso dkk., 2021). In the perspective of Islamic education, children hold a noble status whose rights must be safeguarded, including the right to receive proper education, protection from all forms of violence, and character development by religious teachings (Purnamawati dkk., 2024). This protection is an integral part of Islamic teachings that emphasize justice, compassion, and respect for human dignity.

In reality, cases of violence against children, particularly sexual violence perpetrated by educators, still frequently occur. These incidents not only violate the fundamental rights of children but also damage public trust in educational institutions, including Islamic-based education (Solehati dkk., 2023). Teachers, who are supposed to be moral and spiritual role models, instead become perpetrators of serious violations. This phenomenon raises grave concerns and demands serious attention from all parties. This article aims to examine the concept of child rights protection in Islamic education based on a literature study from various authoritative sources. Furthermore, it conducts a legal review of cases of sexual violence

committed by teachers, both from the perspective of Islamic law (fiqh) and applicable positive law. Through this approach, it is hoped that a comprehensive understanding will emerge on how child protection should be upheld within the field of education.

The Islamic educational values that prioritize the safety, welfare, and dignity of children will be explored more deeply. In addition, this article seeks to examine how protection mechanisms, law enforcement, and preventive measures can be effectively implemented within the context of Islamic education (Akmaliyah dkk., 2021). Thus, Islamic education becomes not only a medium for knowledge transfer but also a fortress of moral and physical protection for students. The urgency of this discussion lies in the effort to build an educational system that is safe, child-friendly, and based on Islamic values. Teachers, as educators, bear a great responsibility to uphold the honor of the profession and fulfill their mandate by guiding children with compassion and exemplary conduct. The protection of children's rights in education must be a top priority in order to create a future generation that is not only intellectually capable but also morally and spiritually strong (Fitriah, 2021).

RESEARCH METHOD

This study employs a qualitative approach with a type of library research and legal review. Data were collected through documentation studies and literature reviews of primary sources such as the Qur'an, Hadith, classical Islamic jurisprudence books (fiqh), and positive legal regulations related to child protection, as well as secondary sources including journals, articles, and case reports. Data analysis was conducted using content analysis techniques, which involve reducing, presenting, and drawing conclusions from relevant data. This research aims to describe the concept of child rights protection in Islamic education and to analyze the application of law in cases of sexual violence committed by teachers

RESULTS AND DISCUSSION

A. RESULTS

1. The Concept of Child Rights Protection in Islamic Education

Islamic education emphasizes the importance of protecting children's rights as a trust from Allah SWT. The Qur'an and Hadith affirm that children must be treated with love, justice, and respect for their dignity. Children's rights in education include the right to acquire knowledge as well as the right to feel safe and free from all forms of violence, including sexual violence (Agrianty dkk., 2024). This protection is an integral part of Islamic values, which teach that education should bring goodness to individuals and society.

Fiqh literature reinforces child protection through regulations prohibiting violence and abuse. Teachers have an important role as moral exemplars and protectors of students. Violations committed by teachers, especially sexual violence, are considered grave sins and legal offenses subject to strict sanctions. The concept of child protection in Islam must be

the primary foundation for creating a safe and conducive educational environment.

Islamic teachings encourage society and educational institutions to actively engage in prevention and discipline enforcement. Child protection is a collective responsibility involving families, schools, and the government. The concept of child rights protection in Islamic education is comprehensive and holistic, requiring attention and concrete actions from all parties (Aprilianda dkk., 2022).

2. Cases of Sexual Violence by Teachers in Islamic Educational Institutions

Cases of sexual violence by teachers in Islamic educational institutions still occur despite clear theoretical protection for children (Anwar dkk., 2024). Gaps in the effective implementation of protection are found in practice. Contributing factors include weak internal supervision, institutions' inability to handle cases transparently, and a lack of training on children's rights for educators.

Sexual violence causes serious physical, psychological, and social impacts on victims. Deep trauma hampers learning development and optimal growth. These cases also tarnish the reputation of Islamic educational institutions and decrease public trust in education systems that uphold moral and religious values (Huzaimah dkk., 2023). Social stigma is a major barrier preventing victims and families from reporting sexual violence. Fear of defamation and lack of community support cause many cases to remain undisclosed. Sensitive approaches and strong support systems are needed to help victims receive justice and recovery.

3. Legal Review of Child Protection and Handling of Sexual Violence by Teachers

Indonesia's regulations are comprehensive in protecting children, such as the Child Protection Law and the Criminal Code regulating sanctions against sexual violence perpetrators (Hasan dkk., 2023). These regulations provide a legal basis for law enforcement in sexual violence cases in educational settings. However, challenges in law implementation include slow processes, insufficient strong evidence, and low public awareness of children's rights and legal procedures.

From an Islamic legal perspective, sexual violence by teachers is a severe violation subject to punishment according to justice principles and qisas (Nasution & Nasution, 2021). Fiqh law stipulates strict sanctions to deter perpetrators and protect victims. Integrating Islamic law and positive law is essential to ensure effective child protection in Indonesia's Muslim-majority context. Effective law enforcement depends not only on written regulations but also on the awareness and commitment of all parties. Educational institutions, law enforcement officers, and society must actively prevent and prosecute sexual violence perpetrators (Nurhuda, 2023). This study emphasizes the need for synergy between the legal system and Islamic educational values to optimize child protection.

4. Prevention Efforts and Recommendations to Improve Child Protection in Islamic Education

Improving education and training for teachers and educators about children's rights, signs of violence, and appropriate prevention and handling methods is necessary (Muljan dkk., 2024). Better understanding enables teachers to perform their duties professionally and ethically. Internal supervision mechanisms in educational institutions must be strengthened with transparency and responsiveness to violence reports. Establishing child protection units in Islamic schools can promptly and properly receive and follow up on reports. Family and community involvement is vital to create a safe and supportive environment for children (Zen dkk., 2022).

This study recommends synergy among Islamic educational institutions, law enforcement, and government to build a holistic and effective child protection system. Policy support and ongoing socialization of children's rights and violence prevention should be promoted. Islamic education can become a place that not only intellectually educates but also ensures children's safety and well-being.

B. DISCUSSION

The protection of children's rights in Islamic education is deeply rooted in Islamic teachings, which view children as a trust (amanah) from Allah SWT. The Qur'an and Hadith consistently emphasize children's rights to be nurtured, educated, protected, and treated with compassion and dignity (Draugedalen & Osler, 2024). Islamic education is not only about imparting religious knowledge but also about ensuring children's physical, emotional, and psychological safety. The fundamental principles of Islamic pedagogy stress that any form of harm, including sexual violence, is a grave violation of both religious and ethical duties (Mahmudulhassan dkk., 2023).

However, in practice, there have been alarming cases of sexual violence perpetrated by teachers within Islamic educational institutions. These cases reveal gaps between Islamic educational ideals and institutional realities. Contributing factors include a lack of effective supervision, weak enforcement of child protection policies, and cultural stigmas that discourage victims from reporting abuse. Additionally, some educational settings prioritize maintaining institutional reputation over addressing allegations transparently, thereby perpetuating cycles of abuse and injustice against children (Fauziah dkk., 2024).

From a legal perspective, both Islamic law (Shari'ah) and national legal systems strictly prohibit acts of sexual violence against minors. In Islamic jurisprudence, such acts are considered major sins (kabair) and crimes that warrant severe punishments, including hudud or ta'zir penalties, depending on the severity and context. Meanwhile, national laws, such as child protection acts and criminal codes, also provide clear legal frameworks for punishing perpetrators (Purnamawati dkk., 2024). Nevertheless, the effectiveness of these laws depends on the commitment of educational institutions, law enforcement agencies, and communities to uphold justice and ensure victims' rights are fully protected.

Strengthening child protection in Islamic education requires comprehensive efforts: the implementation of strict preventive measures, the provision of training for educators on children's rights, the establishment of transparent reporting and accountability mechanisms, and the active involvement of families and communities (Fitriah, 2021). Islamic educational institutions must not only uphold religious teachings theoretically but must embody them in practice by becoming safe, nurturing environments for every child. Creating such an environment is essential for restoring public trust and fulfilling the true mission of Islamic education

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