

# SEXUAL VIOLENCE IN RELIGIOUS EDUCATIONAL INSTITUTIONS: LITERATURE REVIEW AND LEGAL ANALYSIS FROM ISLAMIC AND NATIONAL LAW PERSPECTIVES

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| Article Info  | ABSTRACT   |
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| <p><b>Article history:</b></p> <p>Received 15, 07, 2025<br/>Accepted 23, 08, 2025<br/>Published 22, 09, 2025</p> <hr/>  | <p>Sexual violence in religious educational institutions remains a critical issue that challenges the safety and integrity of these environments. Despite robust legal frameworks in both Islamic law and national law aimed at protecting children, sexual violence persists due to gaps in implementation and enforcement. This study conducts a literature review and legal analysis to explore the effectiveness of both Islamic and national legal frameworks in preventing and addressing sexual violence in religious educational institutions. The research highlights the role of Islamic teachings in safeguarding children's rights, alongside the provisions of Indonesia's Child Protection Law and the Law on Sexual Violence Crimes (UU TPKS). It identifies significant challenges, including inadequate educator training, insufficient legal enforcement, and social stigma that prevent effective action. The study concludes with recommendations for improving child protection through stronger educator training, better reporting mechanisms, and greater collaboration between religious institutions, legal authorities, and communities. A holistic approach combining Islamic values with national legal frameworks is essential to effectively combat sexual violence in these institutions</p> <hr/> |
| <p><b>Keywords:</b></p> <p>Sexual Violence,<br/>National Law,<br/>Religious Educational</p> <hr/>   |  |
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## INTRODUCTION

Sexual violence in religious educational institutions is a grave issue that undermines the moral and ethical foundation on which these institutions are built (Muhsin et al., 2021). Religious schools, which are designed to foster both spiritual and intellectual growth, should be environments of safety and respect. However, when sexual violence occurs within such institutions, it not only harms the victims but also erodes public trust in the education system, especially in faith-based institutions. The pervasive nature of sexual violence in educational settings, including religious ones, calls for urgent attention and comprehensive legal frameworks that protect children's rights and ensure their safety (Asadulagi et al., 2024).

Despite the moral teachings embedded within religious education, particularly in Islam, there is a noticeable gap between the theoretical protection outlined in religious texts and the actual practices within educational institutions (Ahmad & Bhatti, 2023). Islamic teachings, as conveyed through the Qur'an and Hadith, emphasize the protection of children's dignity and safety. However, the implementation of these

teachings in religious schools often faces significant challenges, such as inadequate training for educators, weak monitoring systems, and cultural resistance to acknowledging the issue of sexual violence.

On the other hand, national legal frameworks such as Indonesia's Child Protection Law and the Law on Sexual Violence Crimes (UU TPKS) provide substantial legal protections to prevent and address sexual violence. These laws are designed to safeguard children from all forms of violence, including sexual abuse, and mandate strict legal processes for reporting, investigating, and prosecuting offenders (Nilawati et al., 2023). However, even with these laws in place, the persistence of sexual violence in educational institutions suggests that enforcement is inconsistent, and there remain significant barriers to reporting and addressing these crimes.

This paper seeks to explore the effectiveness of both Islamic and national legal frameworks in preventing and handling sexual violence in religious educational institutions. By conducting a comprehensive literature review and legal analysis, the study aims to identify the gaps in the current protection mechanisms and propose solutions for improving child safety in religious schools. The research will provide a detailed comparison of Islamic law and national law, examining how both can work together to create a robust system of child protection. (Amberi, 2023)

Ultimately, the goal of this study is to offer practical recommendations that can help religious educational institutions better protect their students from sexual violence, ensuring that such institutions remain places where children can thrive both spiritually and academically. The findings of this research will be essential for educators, policymakers, and religious leaders to understand the crucial role they play in preventing sexual violence and fostering safe learning environments.

## **RESEARCH METHOD**

This study employs a qualitative research approach through an in-depth literature review and legal analysis. Data are collected from various scholarly sources, including academic journals, books, legal documents, official reports, and case studies related to sexual violence, Islamic law, and national legal frameworks. The data collection technique is based on documentation, focusing on gathering, reviewing, and synthesizing existing studies relevant to the topic. Data analysis is conducted descriptively and analytically by categorizing findings, interpreting legal principles, and identifying patterns and gaps in the protection mechanisms within religious educational institutions. The study also critically compares Islamic legal perspectives and Indonesian national law to explore synergies and contradictions. Validity is ensured through source triangulation and the use of authoritative and peer-reviewed materials, aiming to produce a comprehensive and credible understanding of preventive strategies and legal handling of sexual violence in religious educational settings.

## **RESULTS AND DISCUSSION**

### **A. RESULTS**

#### **1. Concept of Child Protection and Sexual Violence Prevention in Islamic Education**

Islamic education emphasizes the importance of protecting children's rights, with the Qur'an and Hadith underlining the need to ensure children's

safety and dignity. Islamic law (Sharia) mandates that children be treated with kindness, fairness, and respect (Sitompul et al., 2021). The role of educators is not only to impart knowledge but also to safeguard the well-being of students. Sexual violence within educational institutions is considered a grave violation in Islam, subject to severe punishments, both spiritual and legal. While Islamic law provides clear guidelines for preventing sexual violence, gaps in enforcement and monitoring mechanisms in religious schools hinder the effective protection of children (Nurbayani et al., 2022).

## **2. Cases of Sexual Violence in Religious Educational Institutions**

Despite the strong theoretical frameworks of protection, sexual violence continues to occur in religious educational institutions. Factors contributing to this persistence include inadequate internal supervision, lack of proper training for educators regarding children's rights and sexual violence, and insufficient legal knowledge among school administrators (Al-Hussein & Al-Saaidi, 2022). Victims of sexual violence in these settings often face psychological trauma, which affects their academic and personal development. The lack of reporting mechanisms and the stigma surrounding sexual violence contribute to the underreporting of such incidents.

## **3. Legal Review: Islamic Law and National Law**

Both Islamic law and national law in Indonesia provide robust protections against sexual violence (Chen & Poquet, 2023). Islamic law explicitly condemns sexual violence, with strong punitive measures to deter offenders and protect victims. The concept of justice (al-'adl) in Islam ensures that perpetrators are held accountable, while victim protection is prioritized. On the national level, Indonesia's Child Protection Law and the Law on Sexual Violence Crimes (UU TPKS) provide legal frameworks to address and prevent sexual violence in educational settings. However, challenges such as slow legal processes, insufficient evidence, and a lack of awareness about children's rights hamper effective enforcement. A comparison of Islamic law and national law reveals synergies in protecting children, but challenges remain in harmonizing these systems for effective implementation.

## **4. Preventive Measures and Recommendations**

This study identifies several key preventive measures that can help mitigate sexual violence in religious educational institutions. Educator training on children's rights, signs of abuse, and proper reporting procedures is essential. Schools should implement transparent reporting mechanisms and establish Child Protection Units (CPUs) to handle allegations of abuse effectively (Briš & Urbanek, 2024). Additionally, strengthening internal supervision and accountability structures within religious schools is necessary to prevent sexual violence. Collaboration between religious institutions, legal authorities, and communities is also vital in ensuring the safety and well-being of students. A holistic approach that integrates Islamic values with national legal frameworks is crucial for creating a safer environment in religious educational institutions. (Grgurevic et al., 2021)

## B. DISCUSSION

The findings from this study reveal that while both Islamic law and national law in Indonesia provide strong frameworks for protecting children from sexual violence, the practical application of these laws is often inconsistent. Religious educational institutions, which are expected to uphold moral and ethical standards, frequently fail to implement effective preventive measures. The absence of well-established monitoring systems and a lack of adequate training for educators contribute to the ongoing problem of sexual violence (O'Kelly et al., 2022). Moreover, the stigma surrounding sexual violence and the reluctance to report incidents exacerbate the issue, leaving victims vulnerable.

The legal analysis also highlights that there is a need for greater synergy between Islamic law and national law to ensure that the protection of children is comprehensive and effective. While both legal systems emphasize the importance of justice and retribution for offenders, the application of these principles in educational settings requires greater attention to detail. Religious institutions, legal authorities, and educators must collaborate to create an environment where children feel safe, and perpetrators are held accountable (Bataihah et al., 2022).

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