DILEMMA OF VARIOUS VIOLENCE IN ISLAMIC BOARDING SCHOOL
(Study of Various Disciplinary Actions, Punishments, and Ethical Deviations)

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Abstract

Islamic boarding schools in the history of Indonesia have had various major contributions to the national independence and progress. To face the Sustainable Development Goals (SDGs), there are several great potentials that pesantren have, including inclusive and equal quality education, lifelong learning for all, as well as gender equality and women empowerment. More recently, pesantren are faced by the challenge of a "negative image", including physical and sexual violence. Thus, among the aims of this research is to analyze the development of new challenges in the pesantren world in contributing to educating, and disciplining generations faced the form of violence in the pesantren education environment. This research was qualitative research, using a sociological perspective approach. The several prime data were from informants of caregivers and teachers at Islamic boarding schools, and also from students and guardians of students. The secondary data were from several documents and books related to the discussion. The data were obtained through in-depth interviews, observations in several Islamic boarding schools, and documentation. This research was conducted in several Modern Islamic boarding schools, as well as traditional ones, especially Islamic boarding schools in Java. The findings of this study include: First, there have been several internal cases of physical violence among the students. Various factors trigger the emergence of acts of physical violence that occur in Islamic boarding schools. Among them are excessive actions from punishment efforts given by seniors to junior students who violate. Another factor is the irritation stimulant that occurs between students so that they take revenge indirectly on their friends at certain times. The Second, sexual violence does not really occur, if there are cases of sexual violence in pesantren, it is more because of opportunities and psychological factors from certain individuals. The third, new challenges in the pesantren world are improving students' hard skills during the increasingly complex global competition.

Keywords: Violence, punishment, pesantren, global challenge

A. Introduction

Islam is a religion that is *rahmatan lil alamin* with all the perfection of its teachings and values. Islam is present in this archipelago through the intermediary of the scholars who bring Islam in a peaceful and harmonious way (*baldatun ţayyibantun wa rabbun gafūr).*[1] In its journey, Islamic teachings are transmitted through Islamic boarding schools conducted by Kyai, Ulama who educate students with sincerity and struggle. Currently, the Islamic boarding school as the oldest educational institution in the archipelago faces some challenges in global developments.

The role of education in the early days of Islam was centered in the mosque as the center of education. The condition of society in the early days of Islam's spread to the Medina area shaped by the strength of the ummah which started with the movement to prosper the mosque. One of the centers of early Islamic civilization was the Nabawi mosque which the Prophet endeavored to advance the social aspects of politics and even increase the economic welfare of the people. The current development of such a challenge pattern has become the role of the Islamic boarding school education world which is not only complete in carrying out formal education routines in madrasas and Islamic boarding schools, but also participates in transformative participation in the role of environmental preservation, social empowerment to religious challenges in the health sector, to worship..[2]

Challenges for modern pesantren are from the internal of pesantren and also from external factors of pesantren. The diversity of challenges does not only have an impact on the focus on the sustainability of Islamic boarding schools, but also requires improvements in various curricula and learning models within Islamic boarding schools. The external is a challenge that must be faced by pesantren by modifying various transformative roles, whether carried out in the social field of education or in other cultural movements.

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[1] In the explanation of this verse is a picture of a community that can live in peace and prosperity with an abundance of blessings from Allah. A comfortable miniature social life was once established by the prophet Muhammad in the early history of Islam in Medina and was known as civil society. The words and meanings of *baldatun ţayyibantun warabbun ghofur* are contained in the Qur'an surah Saba' (50).

[2] According to the UN report, the components of basic needs include health, food and nutrition, education, working conditions, employment situation, consumption and savings, transportation, housing, clothing, recreation and entertainment, social security; as well as freedom. Quoted from http://www.seputar-indonesia.com/edisiprint/opini/mengjuang-ukur-kemiskin.

Islamic boarding schools ideally exist to become institutions that educate prospective generations of the nation to have good morals and knowledge with the aim of having the same vision to organize a civilized community that is expected, namely the order of society *khairu ummah*[3] who contribute and provide solutions to social problems. The challenge is also for the santri who live in the community to come down and make religious guidelines in spreading good values to provide comfort and prosperity in living together.[4]

One of the internal challenges in Islamic boarding schools is the relationship pattern that occurs between the students or the teachers who are given the task of disciplining the students. One window that occurs is the existence of various difficulties and challenges in implementing the learning curriculum with the diversity and differences of the habits of the students who live side by side in the pesantren environment. At least the polarization of habits, the diverse dialectics of the students, the process of carrying out the curriculum and rules that deal with the developmental facts of the diversity of the students who live in the pesantren environment.

Global issues that occur in the Indonesian context in current developments also hit the world of Islamic boarding schools. The issue of violence, both physical violence and sexual violence, seems to be a common challenge in the world of education in this archipelago, including in the Islamic boarding school educational environment where face-to-face interaction learning systems of students with other students and their ustadz are intertwined in a 24-hour space of time. This pattern and intensity of interaction certainly opens up the potential for "various conflicts" among pesantren social actors.

Based on data from KOMNAS HAM RI, with a variety of cases handled, in 2020 a total of 2,320 incidents were committed from January to November. There were 881 cases of violation of the right to welfare. There were 801 cases of alleged rights to

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[3] The concept of the existence of a *khoiru ummah* is embodied in the Quran which is defined as the best people who have presented to this earth to have the main goal of inviting good behavior and protecting against wrong doing. As the opinion of commentators regarding *khairu ummah* is the way to goodness under the guidance of Allah and His prophet. (Qurasy Shihab 2000 Vol.1: 185). Thus, civil society which is an ideal society in the structure of society that has been taught in Islamic history has the same goal as national unity and integrity as set out in the Quran surah Ali Imron verse 3 :105). The best actions from a khairu ummah community are actions that result in good behavior and are kept away from bad deeds.

[4] The ideal social order in the context of this archipelago is the view of both traditional and modern circles which can be read more deeply in Prasetya's writings in a book entitled *Islam Society; Pandangan Muslim Indonesia*, p. 236.

justice and followed by complaints of the right to a sense of security, there were as many as 160 cases. Starting from the categorization of complaints filed with the commission on alleged human rights violations, the predominance is the same. This means that there are similarities in cases that always recur from year to year.

Meanwhile, data on sexual violence will increase in 2022. It is recorded that in 2022, from 1 January to 21 February 2022, there were cases of sexual violence, reaching 1,440 cases. If based on KOMNAS Women's reporting on cases of violence from 2007 to 2021, there have been many incidents of violence and from the graph it looks up and down. In 2019 there were a total of 431,471 cases, And that's an increase from 2016, which was originally only 259,150 cases of violence. In 2020 it had decreased to 299,9112 and experienced a decrease that occurred in 2021, namely 10,247 cases. The existence of this data is actually a part of its own concern and it really needs concern for a solution with all parties.

The discussion in this paper departs from the problem of what are the new challenges for Islamic boarding school educators in applying the rules of disciplining students and not going beyond the boundaries of violence, then how are the preventive measures formulated and implemented in the educational environment of Islamic boarding schools in carrying out their educational role and social transformation?

B. **Method**

In this study, a qualitative approach was chosen. [5] In this context, cases of the dilemma of violence in Islamic boarding schools (study of various disciplinary actions, punishments and ethical deviations) were analyzed from the perspective of social values and legal perspectives both in terms of positive state law and Islamic law by pesantren actors, government and society. The approach in this research was integrated with the approach from the socio-anthropological side.[6] Thus it was also be observed how the dilemma of cases of violence in Islamic boarding schools has been, namely by conducting direct research in the field with the aim of obtaining and collecting data. [7]

The data needed were educational models, disciplinary measures, punishments contained in Islamic boarding schools. Other data that was also needed was from the

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[5] Denzin & Lincoln, *Doing Qualitative Research*, (Newbury Park, CA: SAGE, 1997), hlm 1.
[6] Fuad Hasan dan Koentjaraningrat, *Beberapa Asas Metodologi Ilmiah*, 1977, hlm 17.
[7] *Mulyana, Dedy. Metodologi Penelitian Kualitatif*, (Bandung: PT Remaja, 2004), hlm 150.

pesantren actors who were involved in it along with field observations regarding the impact felt by the community. Main data source[8] in this research were pesantren actors, local communities and policy makers. Included as the main data was the dilemma of violence in Islamic boarding schools (studies of various disciplinary actions, punishments and ethical deviations). The secondary data sources were in the form of written documents in the form of scientific journals, books, and applicable laws.[9]

Data collection techniques were carried out through in-depth interviews, observation and document review. This interview was conducted to gather information about the pattern of education, disciplinary action, and punishment in Islamic boarding schools.[10] Interviews were conducted with pesantren actors. Then, the observation stage was used to observe activities carried out by pesantren actors, policy makers, and their impact on society.

Data analysis was carried out at three levels, namely the acquisition of data analysis from the field, theoretical data analysis, and philosophical analysis. Data obtained through literature and field research were analyzed using descriptive-qualitative techniques to obtain data reduction, data presentation, and withdrawal of results in the form of quality data.[11] The purpose of this research is to find the roots of violence in Islamic boarding schools (a study of various disciplinary actions, punishments and ethical deviations). Describe the effects of patterns formed in education, disciplinary action, and punishment in Islamic boarding schools. The contribution is scientifically hasanah, the results of this research are intended to contribute to the collection, management and distribution that is developed as well as the concrete impact it gives to society, presumably this research provides a description of the roots of violence in Islamic boarding schools (studies of various disciplinary actions, punishments and ethical deviations) with the education, disciplinary action, and punishment set forth therein.

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[8] Bernard, H, Russell. *Research Methods in Anthropology Qualitative and Quantitative Approaches,* (2nd edition). (Thousand Oaks, CA: SAGE, 1940), hlm 165.

[9] Denzin, Norman K. & Yvonna S Lincoln. 1994. *Introduction Entering the Field of Qualitative Research* dalam *Handbook of Qualitative Research*, Thousand Oaks, CA: SAGE.

[10] Babbie, *Survey Research Methods*, 1998, hlm 282.

[11] Bernard, H, Russell. *Research Methods in Anthropology Qualitative and Quantitative Approaches,* (2nd edition). Thousand Oaks, CA: SAGE, 1994, dan Miles, M. B. & *Huberman*, M. *Analisis Data Kualitatif* (Jakarta: Penerbit Universitas Indonesia, 1992), hlm 15.

C. Result and Discussion

Violence and Bullying in Islamic Boarding Schools

Violence is something that most people fear. Both direct and indirect violence, both verbal and non-verbal violence. The most common form of violence in schools is bullying. According to research conducted by the government in 2009, almost half of British children (46 per cent) said they had been bullied.

In Indonesia itself, cases of bullying in schools are rampant. Both at the elementary, middle, and college levels. From 2011 to August 2014, KPAI recorded 369 complaints related to this problem. That number is around 25% of the total complaints in the education sector of 1,480 cases. Bullying, which is called KPAI, is a form of violence in schools, defeating student brawls, educational discrimination, or complaints of extortion.

This is a bad news considering that children should have security and comfort in their playing environment. According to the Child Protection Law No. 23 of 2002 concerning Child Protection Chapter III Regarding the Rights and Obligations of the Child, says that every child has the right to be able to live, grow, develop, and participate fairly in accordance with human dignity and dignity and to receive protection from violence and discrimination.

In addition, the Indonesian Child Protection Commission (KPAI) also released data that around 87.6% of bullying cases were found where male victims were more than female and bullying behavior was more prone to occur in early teens. Bullying that occurs in Indonesia is often found in the school environment, both formal and non-formal. Based on phenomenological studies according to Ndetei, Bullying behavior also occurs in secondary schools by conducting interviews with several students stating that the most common form of bullying occurs is hitting, taunting, calling names, threatening, and taking the victim's belongings.

At the Islamic boarding school there are rules and regulations that must be obeyed by all students, otherwise they will be subject to punishment. This case often occurs and is

carried out by seniors to juniors because seniority at the boarding school has a very large influence on the occurrence of this bullying case.[12]

The impact experienced by victims of this bullying case is that students experience trauma and their mental health is disturbed, therefore further consultation with the parties concerned is necessary. Even if the victim already feels afraid to live in the boarding school environment, the victim decides to leave and move from the Darul Muttaqien Islamic boarding school.[13]

The cause of bullying that occurs in Islamic boarding schools is due to high seniority. In addition, the initial occurrence of bullying began between students who often mocked each other. This was also explained by the supervisor of the hostel that "The conditions of each hostel are different and the students also have different characters, some of them are ridiculed by their friends and immediately feel offended and some are just normal". and not only that bullying is also done physically generally occurs in middle school students. Victims were treated badly, such as being publicly humiliated, yelled at, and even asked to do their senior duties. These conditions can cause the victim to feel afraid, uncomfortable because they are in a very threatened condition. In addition, their learning motivation also decreased due to bullying violence that occurred.

In addition, these students experience mental bullying behavior, namely the perpetrator intentionally takes action to make the opponent feel insecure, low self-esteem, feeling afraid, embarrassed and weak. This action was carried out by the perpetrator by bullying, cornering and humiliating the victim. Bullying can have a negative impact on victims because they are often harassed so victims feel anxious, afraid, even lose confidence, get hurt, suffer and don't dare to go to school. In addition, the victim will experience prolonged trauma until adulthood.[14]

Patriarchal System Theory in Religious Education Institutions (Pesantren)

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[12] Sigit Nugroho, Seger Handoyo, Wiwin Hendriani, *Identitas Faktor Penyebab Perilaku Bulliying di Pesantren : Sebuah Studi Kasus,* Al-Hikmah: Jurnal Agama dan Ilmu Pengetahuan P-ISSN 1412-5382 Vol. 17 No. 2, Oktober 2020 E-ISSN 2598-2168, hlm 1-14

[13] Nurlelah, Syarifah Gustiawati Mukri, *Dampak bullying terhadap kesehatan mental SANTRI (Studi Kasus Di Pondok Pesantren Darul Muttaqien Parung)*, Fikrah: Journal of Islamic Education, Vol. 3 No. 1 Juni 2019, 72-86

[14] Nurlelah, Syarifah Gustiawati Mukri, Dampak bullying terhadap kesehatan mental santri (Studi Kasus Di Pondok Pesantren Darul Muttaqien Parung), Fikrah: Journal of Islamic Education, Vol. 3 No. 1 Juni 2019, 72-86

Patriarchy is a system that considers men destined to rule women. This holds true throughout the world (Fromm in Adji et al, 2009). This is clarified by the opinion of Prasela & Pavitasari (2014), who stated that patriarchy is a system of social structures and practices that positions men as those who dominate, oppress and exploit women. In addition, patriarchy is a hegemonic ideology that justifies the domination of certain groups over other groups.[15]

The domination of power occurs at the level between groups based on differences in gender, race, religion, and economic class. The patriarchal concept is used to represent the power of men over women in general in social life (Darwin & Tukiran, 2001). This condition puts women in a vulnerable position, because in several cases regarding sexual harassment or violence, women are often the ones who are most often harassed, starting from experiencing cat-calling or whistling and being teased on the street, being held by their body parts, to experience rape. It doesn't matter what clothes she wears, be it mini clothes or headscarves (Safira, 2019).

Religious educational institutions (Islamic boarding schools) tend to be identified with patriarchal culture. Simone de Beauvoir in her theory known as The Second Sex reveals that in the construction of patriarchal culture, the definition of women is always attached to men. In this case, women cannot be separated from social construction, in which men are always constructed as subjects, while women are constructed as other people.

It can be seen how gender injustice which includes stereotypes and subordination experienced by women, especially in terms of inheritance of leadership or regeneration of pesantren leaders which is often passed on to sons (gus) from a kyai compared to being passed on to daughters.[16]

The material in the educational curriculum taught in Islamic boarding schools comes from the yellow book and other classical religious texts, in which the general view in these classic religious books and texts shows the subordinate position of women. More than that, the patriarchal mindset is increasingly enduring in Islamic boarding schools because

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15 Bz. Fitri Pebriaisyah, Wilodati, Siti Komariah, *Kekerasan Seksual di Lembaga Pendidikan Keagamaan: Relasi Kuasa Kyai Terhadap Santri Perempuan di Pesantren*, Sosietas Jurnal Pendidikan Sosiologi, Sosietas 12 (1) (2022) 1116-1131 hlm 1117-1131

16 SuciAmelia Harlen, Pemenuhan hak santri atas kasus pelanggaran hak asasi manusia oleh oknum pondok pesantren *(Fulfillment of the Rights of the Students in Case of Violations of Human Rights Committed by a Board of Boarding School)*, Jurnal Ham, Volume 13, Nomor 2, Agustus 2022, hlm 199-214

Islamic narratives originating from the Qur'an, hadith, Islamic Jurisprudence, and other classic religious books or texts are often interpreted and textually interpreted by the cleric or cleric who teaches (Dhofier, 1982; Hasyim, 2003; Rizky, 2021; Sa'dan, 2018). This is then used to normalize and legitimize various injustices and sexual violence against women in Islamic boarding schools.

Cases Findings in Islamic Boarding Schools Unequal Power Relations in Islamic Boarding Schools

Power is one of the main focuses in Michel Foucault's concept of thought, which cannot be separated from his concept of the archeology of science and the genealogy of power. power is not only found in political life, between the state and citizens, but the practice of power can also be found within the pesantren environment.

In the pesantren environment, there is a very clear hierarchy between the ustadz, gus, or kyai and the santri, so that there is an unequal power relationship that places the cleric, gus, or a kyai in a higher position than the pesantren administrators and other santri. The students who are victims do not have the power to fight because in the pesantren they are at a lower level in the hierarchy. The position of female students who are subordinated to ustadz or kyai is concrete evidence that Foucault's discourse on power is realized in the practice of sexual violence in Islamic boarding schools. Sexual violence is about unequal power relations and how people tend to show their power through invasion of one's body.[17]

As a leader in the structure of a religious education institution (Islamic boarding school), the kyai has a central role, has strong domination, has power and authority as well as full authority over the santri in the pesantren, where all forms of thought, speech (dawuh), and behavior of the kyai are considered as a role model that is more than just a teacher who is seen as always right for students (Bruinessen, 1994; Hajar, 2009).

Such an unequal pattern of relationship between kyai and santri indicates a patron-client relationship, which refers to an unequal or unequal relationship between two groups or individuals. The term comes from the Spanish word where "patron" means someone

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[17] *Bz. Fitri Pebriaisyah, Wilodati, Siti Komariah,* Kekerasan Seksual di Lembaga Pendidikan Keagamaan: Relasi Kuasa Kyai Terhadap Santri Perempuan di Pesantren, Sosietas Jurnal Pendidikan Sosiologi, *Sosietas 12* (1) (2022) 1116-1131 hlm 1117-1131

who has power, status and authority in a high position (superior). While "client" is defined as a person who has a lower position (inferior).

The principle of "sami'na wa atho'na" which is often interpreted as "we listen and we obey" seems to be a necessity for santri. In the pesantren environment, the concept of total obedience is a common symptom or even a culture, and the concept of total obedience to the kyai is often instilled as a form or attitude of ta-wadhu' to respect the kyai, so that the santri are obliged to obey all the kyai's orders in order to get their blessing, ridho. , or his blessings. Through the concept of total or absolute obedience, a santri is expected not to ask all kinds of questions or even criticize a kyai at the pesantren so as not to eliminate the benefits of the knowledge possessed by the santri and the blessings of the kyai (Dewantoro, 2020). Thus, the concept of obedience makes the teaching system in Islamic boarding schools run in one direction in a top-down manner which results in minimal dialogue or question and answer space between the kyai and students (Sa'dan, 2018).[18]

In addition, the concept of total obedience practiced by santri to kyai in Islamic boarding schools tends to be cult towards individuals (kyai), which can actually be a boomerang for women or santriwati (female santri). In addition to the power and authority possessed, ustadz or kyai often dominate female students through dogma with religious attachments. religious institutions such as power, obedience, patriarchy, and respect for authority figures can actually facilitate the possibility of sexual harassment or violence. The position of religious leaders is respected and sacred in society, so that people do not suspect the possibility of sexual harassment or violence perpetrated by religious leaders. The existence of this power difference does not only explain how the opportunities for sexual harassment or violence increase for those with religious authority.

However, this later became an obstacle in reporting sexual harassment or violence perpetrated by victims, making it difficult to uncover cases of sexual violence perpetrated by religious leaders (Kent & Raine, 2020). The results of the study entitled Twice Silenced: The Un-derpiring of Child Sexual Abuse in Ortho-dox Jewish Communities, which shows how the lack of reporting of cases of sexual violence in the Jewish religious community is due to the lack of response or response from an internal institution itself, the existence of religious prohibitions that speak negatively towards fellow members of the

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[18] Nur Mahmudah, *MEMOTRET WAJAH PENDIDIKAN SEKSUALITAS DI PESANTREN*, QUALITY, Vol. 3, No. 1, Juni 2015, hlm 133-157

Jewish community, and are afraid of getting a reaction or criticism from the internal community (Kat-zenstein & Fontes, 2017). Thus, cases of sexual violence that occurred in Islamic boarding schools or other religious institutions became an open secret and taboo to discuss because they involved the good name of institutions affiliated with religion.

Furthermore, denial for the good name of pesantren or other religious institutions has been running quite systematically, this is reflected in how related parties ask victims/survivors to remain silent so they want to resolve the case amicably. As a result, denial of sexual violence within Islamic boarding schools and other religious institutions can actually normalize or even perpetuate the occurrence of sexual violence.[19]

Cases of Sexual Harassment and Violence in Islamic Boarding Schools

Cases of violence in public education institutions, junior high schools and madrasas From January to July, 12 cases of sexual violence were recorded in 3 (25 percent) schools within the jurisdiction of the Ministry of Education and Culture and 9 (75 percent) educational units under the authority of the Ministry of Religion. Of the 12 cases, a total of 31 percent of sexual violence occurs in boys and 69 percent of girls. Based on education level, 2 cases of violence occurred at the elementary school level, 1 case at the junior high school level, 5 cases at Islamic boarding schools, 3 cases at madrasah places of recitation/place of worship; and 1 music course for kindergarten and elementary school aged children. "The age range of the victims is between 5-17 years."

The number of victims totaled 52 children with details of 16 boys and 36 girls. While the perpetrators totaled 15 people consisting of 12 teachers (80 percent), 1 (6.67 percent) owner of the boarding school, 1 (6.67 percent) child of the owner of the boarding school, and 1 (6.67 percent) senior classmate of the victim. "The details of the teachers in question include religious education teachers and extracurricular coaches, music teachers, class teachers, Koran teachers, and others.[20]

The most recent cases that were revealed occurred in West Java and Central Java, namely Bandung, Tasikmalaya and Cilacap. The leader of one of the Islamic boarding

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[19] *Bz. Fitri Pebriaisyah, Wilodati, Siti Komariah,* Kekerasan Seksual di Lembaga Pendidikan Keagamaan: Relasi Kuasa Kyai Terhadap Santri Perempuan di Pesantren, Sosietas Jurnal Pendidikan Sosiologi, *Sosietas 12* (1) (2022) 1116-1131 hlm 1117-1131

[20] https://nasional.tempo.co/read/1615052/kpai-ungkap-ada-12-kasus-kekerasan-seksual-anak-sepanjang-januari-juli-2022,

school foundations in the city of Bandung, HW (36), is suspected of having acted obscenely towards dozens of students since 2016. Some of the students even gave birth. HW's case has been rolling at the Bandung Special Class 1A Court since November 11, 2021. HW was charged with committing this obscene act against 14 santri in the last five years. The next trial will be held December 21.[21]

Separately, the Cilacap Police revealed a case of alleged rape of a minor by a religious teacher with the initials M (51) in Patimuan District, Cilacap Regency, Central Java. The case was revealed on November 24 after one of the victims told his parents. Hearing this, the victim's parents reported this to the Patimuan Police and then it was handled by the Cilacap Police Satreskrim PPA unit.

Cases of sexual violence that occurred at the Al-Ikhlas tahfidz (Al-Qur'an memorizer) Islamic boarding school and the Madani Boarding School located in the Cibiru area of Bandung City, where the perpetrators were ustadz who raped 13 female students under the age of 13 female students and there were 8 pregnant female students, even the children from the rape were exploited to seek donations of funds for the operational needs of the pesantren.

In detail, data from the National Commission on Women states that in the 2011-2019 period there were 46,698 cases of sexual violence that occurred both in the personal and in the public sphere, and there were 2,851 cases, not least of which occurred within religious institutions (Wiguna, 2020). Furthermore, the latest data from the annual records of the Indonesian Child Protection Commission (KPAI) explained that throughout 2021 there were 18 cases of sexual violence within educational institutions. Out of a total of 18 cases of sexual violence in educational institutions, 4 cases or 22.22 percent occurred in schools under the auspices of the Ministry of Education, Culture, Education and Technology, and 14 cases or 77.78 percent occurred in educational units under the auspices of the Ministry of Religion.

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[21] Sexual harassment that occurred at the Lhokseumawe Regional Islamic Boarding School, Aceh, AI (45) allegedly abused 15 students since late 2018. Continued to Jombang, East Java, S (50) allegedly molested his female students. The case was revealed in February 2020. The victims reached 15 female students. The Panel of Judges at the Jombang District Court has sentenced S to 15 years in prison and a fine of IDR 4 billion. Furthermore, in November 2021 sexual harassment also occurred at the Islamic boarding school in the Pinrang area, South Sulawesi, the perpetrator with the initials SM was named a suspect. In this case at least four victims reported to the Pinrang Police.

This can be seen in the modus operand in the case of sexual violence committed by a Gus (son of a kyai) from the leadership of the Shiddiqiyah Islamic boarding school in Jombang who manipulated the victim with two doctrines. The first, the doctrine regarding the vagina which more or less reads: "The female vagina is a noble path, because that's where leaders are born, so having sexual intercourse is a noble deed, that's why you shouldn't let other people enter your vagina. The second is the doctrine by claiming that the perpetrator has meta-fact knowledge that can freely marry anyone. So that a female santri who can be invited to marry (read: have sex) with him is considered a lucky santri (Rizky, 2021).

The case of sexual violence that occurred in an Islamic boarding school in Solo in 2018 also had a similar pattern, how a kyai carried out his mode by holding a muroja'ah session or memorizing the Koran with his female students privately/individually, namely one by one student. One student and a teacher. In that session, the cleric manipulated the female students that in order to make it easier to memorize the Al-Qur'an, the female student had to be willing to perform a ritual known as the vaginal cleansing ritual (Ayun-ingtyas, 2021).

Many perpetrators of sexual harassment or violence within religious institutions are those who hold legal authority and have higher power over their congregations/followers (Dressing, et al., 2021; Hurcombe, et al., 2019; Rashid & Bar-ron, 2019). In addition, there is the result of another study entitled Researches Reveal Patterns of Sexual Abuse in Religion Settings which shows that religious leaders often blame their sacred status or position to gain the trust of victims and those around them so they can commit harassment.[22]

In addition, educational institutions with the format of dormitories, boarding schools or pesantren are the places where the most cases of sexual violence occur with a total of 12 educational units or around 66.66 percent, while sexual violence in educational institutions 6 educational units, or around 33.34 percent, do not have boarding schools (Abdi, 2021). Moreover, according to the report of the National Commission on Women, in the period

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[22] Cases of sexual harassment committed by Islamic boarding school caretakers in South Sumatra against their male students by giving money in dozens. The cases recorded in the media are reports from the parents of the victims who were referred to by the police because these actions had started from 2020 to 2001 and also occurred in the East Java area. It is suspected that other female students also experienced cases of sexual exploitation, which were later revealed when there were reports of sexual harassment by the suspect since 2019.

2015-2020 there were a total of 51 complaints of cases of sexual violence in the educational sphere, of which cases of sexual violence at the university level amounted to 27 percent, then Islamic boarding schools ranked second with the number of cases of sexual violence. by 19 percent (Rosa, 2021).

The Impact of Sexual Violence Experienced by Santriwati

The impact experienced by the female students included anger, shame, disappointment, regret, sadness, frustration. This then turns female students into naughty children by carrying out a number of deviant behaviors such as trying to drink alcohol, clubbing at discotheques, and having sexual relations with their boyfriends (Yohania, 2014). In addition, the sexual violence experienced by santri does not only have an impact on their psychological side, but also has an impact on their theology. In this case, the female students experience conflicts with their beliefs, religion, even with the God they believe in.

This conflicts has the effect of decreasing the level of their spirituality or religiosity, such as hating the holy book, abandoning the obligation to pray, and eventually abandoning their faith in God and religion for a time. They do this because of the disappointment they experience because religious leaders who are often seen as holy figures and role models in religion actually become predators of sexual violence in religious institutions which are perpetuated through religious narratives and abuse the authority they have (Hurcombe, et al. ., 2019; Rah-manara, et al., 2021; Rodger, et al., 2020; Yo-hania, 2014). Moreover, what must be faced and experienced by victims of sexual violence is increasingly compounded in their social life, starting from bullying, exclusion, to multiple victimization from peers or other people when they learn that the victim has experienced harassment or rape.

Alleged abuse of Albar Mahdi (17), a student of Modern Gontor Islamic Boarding School, Ponorogo Police found evidence of CCTV (close circuit television) footage which could be important evidence to reveal the chronology of the alleged abuse in the end the victim died with a number of bruises on the chest and all over the body.[23]   In addition to

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[23]The death of one of santri (student) Gontor handled by the Ponorogo Police has determined the existence of two santri with a threat of 15 years in prison. The two suspects are from West Sumatra and also Bangka Belitung. Both were charged with Article 80 paragraph 3 Jo article 76 c of law 35 of 2014

the CCTV footage, officers also seized a number of other pieces of evidence. Starting from wooden sticks, bottles of bottled water, eucalyptus oil, tricycles, to the clothes and belongings of the victims.[24]

Lesson Learn; Violence in a legal perspective

From the point of view of Islamic law, it is evident that Islam is a religion that has a very important role in providing guidance for caring for and giving love to children, giving high respect for human rights, laying the foundations of human rights and truth as well as justice. Al- The Quran is categorically against violence.[25] For any purpose, in the name of anything and anyone, and to anyone, even for the sake of Allah's religion, violent means must still be avoided.[26]

Human Rights are an important element that is attached to every human being from the time they are in the womb until the end of their lives. According to MPR Decree number XVII/MPR/1988, that human rights are basic rights inherent in human beings by nature, universal and eternal as a gift from God Almighty.[27]

The human rights regulated in Law Number 39 of 1999 include, among other things, the right to live regulated in Articles 4 and 9. The right to have a family is regulated in Article 10. The right to develop oneself is regulated in Article 11 to 16. The right to obtain justice is regulated in Articles 17 to 19. The right to personal freedom is regulated in Articles 20 to 27. The right to a sense of security is regulated in Articles 28 to 35. The right to welfare is regulated in Articles 36 to 42. The right to participate in government is regulated in Articles 43 to 44. Women's rights are regulated in Articles 45 to 51. Children's rights are regulated in Articles 52 to 66.

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concerning amendments to law number 23 of 2005 concerning child protection. https://kumparan.com/kumparannews/titik-terang-kasus-tewasnya-santri-gontor-2-orang-jadi-tersangka-1yqTX04Vj6z

[24]https://www.kompas.com/edu/read/2022/09/16/071600271/kasus-santri-tewas-ada-kesalahpahaman-antara-ponpes-gontor-dan-keluarga
https://nasional.tempo.co/read/1632593/kasus-penganiayaan-santri-gontor-hingga-berujung-tewas-polisi-temukan-bukti-cctv-hingga-tongkat-kayu

[25] Marsaid, *Masail Fiqhiyyah Al Jinayah*, (Palembang : NoerFikri,2020), 164.
[26] Mohammad Faishol Abdau, *Membangun Strategi Lembaga Pendidikan Dalam Pendidikan Karakter*, (Jawa Timur: Global Aksara Pers,2021), hlm 11.
[27] Andi Syamsinar,"*Perlindungan Hukum Terhadap Anak Korban Kejahatan Seksual*" (Skripsi,: Fakultas Hukum Universitas Hasanuddin Makassar, 2018), 1-79.

These documents include the amendments to the 1945 Constitution, MPR Decree No. XVII/MPR/1998 concerning Human Rights, Law no. 39 of 1999 concerning Human Rights, and Law no. 26 of 2000 concerning the Human Rights Court. Apart from that, there was the 2000-2004 National Development (Propenas) with the establishment of institutions related to human rights. In terms of institutions, a National Commission on Human Rights was formed by presidential decree number 50 of 1993, as well as the establishment of a Commission Against Violence against women.

The climax was In 2005, the government ratified two very important instruments in upholding human rights, namely the International Covenant on Economic, Social and Cultural Rights (ICESCR) to become Law no. 11 of 2005, and the International Covenant on Civil and Political Rights (ICCPR) became Law no. 12 of 2005.

According to Law No. 39 of 1999 concerning Human Rights, states that what is meant by Human Rights Violations is any act of a person or group of people including state officials, either intentional or negligent, which legally reduces, hinders, limits, and/or revokes the Human Rights of a person or group of people. guaranteed by this Law, and are not obtained, or are feared that they will not obtain a fair and correct legal settlement, based on the applicable legal mechanism.

According to Law No. 26 of 2000 in accordance with Article 7 concerning Human Rights Courts, it explains that violations of human rights that are categorized as serious are crimes of genocide and crimes against humanity. For some Islamic boarding schools that apply ta'zir in the form of physical punishment such as whipping or twisting their ears until they turn red, this is indicated by some human rights activists as a form of human rights violation that must be abandoned by Islamic boarding schools. They argue that giving punishment for a deterrent effect in the form of physical punishment does not improve the situation, it is better to provide punishment in other forms that do not physically injure as a form of character learning.

In 2014, there was a commotion about the existence of a caning punishment imposed by one of the Islamic boarding schools in Jombang, namely the Al-Urawatul Wutsqo Islamic boarding school, to its three students. The video, which was made in 2009 but circulated in 2014, shows a student who was punished with 35 lashes of the caning for three students by closing their eyes first and being tied to a tree. This is done by the management of Islamic boarding schools to students who commit serious violations such

as drinking and adultery. One by one the three students were subjected to caning using 2 pieces of rattan.

Physical harm is therefore not very good in the context of education. Regarding ta'zir in the form of caning, it must be abolished considering that the case in the pesantren involved lashing 35 times with two rattan sticks, which is very inhumane because it caused very serious physical injuries. This can be categorized as gross human rights violations of the second type, namely crimes against humanity in point f, namely torture as contained in Law No. 26 of 2000 concerning human rights courts..[28]

Aisiyai & Ifeoma (2015) conducted research with the aim of finding out where bullying most often occurs, comparing the incidence of bullying between men and women and seeing the impact of bullying behavior. This study applied a quantitative design with a total sample of 120 students. Measuring tool used using a questionnaire. The results showed that bullying was often carried out by friends who had more power over weak friends. Physical bullying was 65%, verbal bullying was 66% and mental bullying was 58.3%. Bullying incidents are more common in Islamic boarding schools. 70% in boys and 52% in girls. The impact of bullying is that 70% experience fear, social isolation and 60% of students say they are afraid to go to school (Aisiyai & Ifeoma, 2015).[29]

The Ministry of Religion (Kemenag) has officially decided on new rules regarding forms of sexual violence in Minister of Religion Regulation (PMA) Number 73 of 2022. Based on these regulations there are at least 16 acts that are considered sexual violence. The forms of sexual violence defined by the Ministry of Religion include staring, shouting, joking, and whistled at the victim in sexual overtones, delivered remarks that discriminated against or insulted the victim's physical appearance, body condition, or gender identity. Persuading, promising, offering something, threatening, or forcing the victim to engage in sexual transactions or activities. Staring at the victim in a sexual and/or uncomfortable way.[30]

Based on PMA Number 73 of 2022, the sexual violence referred to can cause victims to experience psychological suffering, reproductive health problems, and are

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[28] Laila Ngindana Zulfa, PESANTREN DAN PELANGGARAN HAM (Studi Analisa Tentang *Ta'zir* dalam Pesantren *Salafy*), Jurnal Pendidikan Agama Islam Universitas Wahid Hasyim Semarang, PROGRESS – Volume 8, No. 1, Juni 2020, hlm 100-121

[29] M. Agus Wahyudi, FENOMENA BULLYING PADA SANTRI DI PESANTREN, hlm 1-7

[30] https://tirto.id/apa-saja-bentuk-kekerasan-seksual-menurut-aturan-kemenag-gxwM

unable to carry out education properly. safe and optimal. Acts of sexual violence regulated in PMA include acts committed verbally, non-physically, physically, and through information and communication technology (online). PMA Number 73 of 2022 has officially taken effect since October 6, 2022. According to DPR RI Commission VIII member Nurhuda Yusro, this PMA can be used as a reference to prevent sexual violence, especially those that occur under religious education units.

Komnas Perempuan recorded 51 cases of violence that occurred in educational settings from 2015 to August 2020. Of the total cases, Islamic boarding schools or education based on Islam ranked second or 19 percent. In the first position is occupied by the university with 27 percent.[31] Komnas Perempuan's appreciation to the DPR RI and the Government for ensuring the discussion and ratification of the TPKS Law adopted 6 key elements of a comprehensive legal umbrella for dealing with criminal acts of sexual violence. The TPKS Law contains legal breakthroughs namely by regulating: (1) Crimes of Sexual Violence; (2) Punishment (sanctions and actions); (3) Special procedural law that hinders justice for victims, reports, investigations, prosecutions and examinations in court, including ensuring restitution and victim assistance funds; (4) Elaboration and certainty of the fulfillment of victims' rights to treatment, protection and recovery through an integrated service framework; taking into account special vulnerabilities including but not limited to persons with disabilities. (5) Prevention, community and family participation; (6) Monitoring carried out by the Minister, the National Human Rights Institution and civil society.[32]

D. Conclusion

Based on the Ministry of Religion's Islamic Boarding School Database, in 2019 there were 2,905,316 mukim students and the remaining 1,171,091 were non-mukim students. Searching for data on cases of sexual abuse in children is difficult because most cases go unreported or are not known (Wismayanti et al., 2019). Likewise with the context of cases of sexual harassment and violence in Islamic boarding schools. The system in

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[31] https://www.cnnindonesia.com/nasional/20211209082552-12-731811/daftar-kasus-kekerasan-seksual-di-pesantren-indonesia

[32] Siaran Pers Komnas Perempuan, Pengesahan RUU TPKS: Pastikan Implementasi Terobosan dalam Pencegahan dan Penanganan Kekerasan Seksual, serta Pemulihan Korban Kekerasan Seksual, https://komnasperempuan.go.id/siaran-pers-detail/pengesahan-ruu-tpks

Islamic boarding schools on average requires students to limit themselves to the outside world, one of which is by not carrying a mobile phone when they are in Islamic boarding schools so that they can focus on learning activities in Islamic boarding schools. From the results of the author's reading of some of the news on sexual violence in Islamic boarding schools, on average these cases occur in Islamic boarding schools with an exclusive system like this. Their space for movement is limited to the pesantren environment, the absence of media to communicate with family and friends outside the pesantren makes them have no power and channels to report. Several cases were revealed to the public because the victims had run away from the Islamic boarding school and reported it to their parents or close relatives. A system like this makes the perpetrator have the potential to commit the act many times, because there is no room for strict supervision from the external environment.[33]

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[33] Nuzul Solekhah, *Kekerasan Seksual di Pondok Pesantren : Powerlessness Santri dan Urgensi Pendidikan Seksual Dalam Kurikulum Pesantren*, Masyarakat & Budaya, Vol. 25, No. 24, April 2022

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