



***Tafsīr Al-Aḥkām's* Analysis of Demoralization in Cases of Sexual Harassment in Educational Institutions in Indonesia**

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**Abstract:** Sexual harassment is a violation of Islamic law and is inconsistent with the values of all religions and moral norms. The rise of sexual violence in educational institutions is concerning. This study aims to analyze and evaluate the demoralization that occurs in Indonesian educational institutions after the emergence of sexual harassment committed by caregivers or staff. Using a descriptive qualitative method analyzed through the *tafsīr al-aḥkām* approach, data was collected through interviews and literature studies. The findings indicate that sexual harassment in educational institutions is often done through coercion, using dogmatic methods or luring victims. This behavior undermines the *maqāshid* of the Qur'an, teachings of all religions, and moral norms. Teachers and caregivers are meant to be dignified and honorable people. Sexual harassment is a form of sexual violence that harms victims both physically and mentally. Interpretation scholars emphasize that every individual has the right to dignity and honor, which Islamic shari'a regulates. Therefore, Islamic law prohibits immoral acts, including sexual harassment, which is considered *fahsyā'* or *fāḥisyah* (abominable), as it can injure human glory and dignity. The demoralization that occurs will affect the degradation of the charisma of educational institutions and weaken the sacred relationship between caregivers and students.

**Keywords:** *Tafsīr al-aḥkām*, demoralization, sexual harassment, educational institution, Islamic law

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**Abstrak:** Pelecehan seksual merupakan perbuatan yang bertentangan dengan hukum Islam dan nilai-nilai semua agama dan norma moral. Perkembangan terakhir cukup memprihatinkan yaitu semakin meningkatnya kekerasan seksual di lembaga pendidikan. Studi ini bertujuan untuk menganalisis dan mengevaluasi demoralisasi yang terjadi pada lembaga pendidikan di Indonesia setelah munculnya tindakan pelecehan seksual yang dilakukan oleh oknum pengasuh atau staff. Kajian ini menggunakan metode kualitatif deskriptif yang dianalisis dengan memakai pendekatan tafsir al-ahkām, data dikumpulkan melalui wawancara dan studi literatur. Temuan studi ini memperlihatkan bahwa pelecehan seksual di lembaga pendidikan dilakukan dengan jalan pemaksaan. Pemaksaan seksual ini menggunakan metode dogmatik atau iming-iming terhadap korban. Perilaku ini merupakan hal yang mencederai maqāshid al-Qur'an, ajaran semua agama dan norma moral. Padahal seorang guru dan pengasuh merupakan orang yang bermartabat dan terhormat. Pelecehan seksual juga salah satu bentuk kekerasan seksual yang merugikan korban baik secara fisik maupun mental kejiwaan. Ulama tafsir menekankan bahwa setiap individu berhak atas martabat dan kehormatannya sehingga syari'at Islam mengaturnya sedemikian rupa. Karena itu, hukum Islam melarang tindak asusila dalam bentuk pelecehan seksual karena termasuk perbuatan fahsyah atau fahisyah (keji) yang dapat mencederai kemuliaan dan martabat manusia. Demoralisasi yang terjadi akan berpengaruh pada degradasi kharisma lembaga pendidikan dan melemahkan hubungan sakralitas antara pengasuh dan peserta didik.

**Keywords:** Tafsir al-ahkām, demoralisasi, pelecehan seksual, lembaga pendidikan, hukum Islam

## Introduction

Educational institutions serve not only to provide intellectual education, but also to nurture the spiritual side of students to develop their character, skills, and creativity. The aim of national education is to cultivate the character of the nation's civilization rooted in individuals who believe in and fear God. Realizing these educational objectives is the responsibility of not only religious educational institutions, but also all educational institutions in Indonesia.<sup>1</sup> Hence, when educational institutions become a breeding ground for sexual harassment of

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<sup>1</sup> Masturin Masturin, et.al., "Tawhid-Based Green Learning in Islamic Higher Education: An Insan Kamil Character Building," *Qijis: Qudus International of Islamic Studies* 10, No. 1 (2022). Mukhammad Murdiono, et.al., "The Education of the National Character of Pancasila in Secondary School Based on Pesantren," *Cakrawala Pendidikan: Jurnal Ilmiah Pendidikan*, No. 3 (2017). Ridhwan, et.al., Dynamic of Islamic Education in the Land of Bugis: Growth, Development and Typology Pesantren in Bone, *IOP Conference Series: Earth and Environmental Science* 175, No. 1 (2018), 012158.

students, it raises serious concerns, especially when the perpetrators are educators themselves.

While there have been previous studies on the relationship between sexual harassment and educational institutions, there is a lack of research using the tafsīr al-aḥkām approach. Prior studies have failed to recognize that sexual harassment not only harms the victims and perpetrators but also damages the reputation of educational institutions that are supposed to promote morality and good character. In general, literature on sexual harassment can be categorized into four types. The first type is sexual harassment that commonly occurs in the workplace.<sup>2</sup> Cortina and Areguin also reported in their paper on the data that out of 86,578 female employees, 58% had been sexually harassed.<sup>3</sup> Those who are most abused are women who work in the military. Second, sexual harassment in educational institutions. Li's research revealed that in Nepal the average student does not have a clear understanding of how to respond to sexual harassment.<sup>4</sup> The same thing was also conveyed by Wei which happened in China,<sup>5</sup> as well as Duque Monsalve in Colombia.<sup>6</sup>

Third, sexual harassment in children. In the research of Valik et al. it was stated that the occurrence of sexual harassment in children aged 10-12 years was carried out by their peers ranging from physical sexual harassment to visual sexual harassment.<sup>7</sup> Similarly, Bjørnseth et al.<sup>8</sup> Fourth, the impact of sexual harassment on the psyche. Burn and Shawn Meghan explain that sexual harassment can injure

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<sup>2</sup> Lilia M. Cortina and Maira A Areguin. "Putting People down and Pushing Them out: Sexual Harassment in the Workplace." *Annual Review of Organizational Psychology and Organizational Behavior* 8 (2021), p. 285-309.

<sup>3</sup> Rose L Suita and Mindy E Bergman, "Sexual Harassment in the Workplace," *Oxford Research Encyclopedia of Business and Management*, (2019).

<sup>4</sup> Xiaomin Li, et.al., "Understanding, Experience, and Response Strategies to Sexual Harassment Among Chinese College Students." *Journal of Interpersonal Violence*, (2022).

<sup>5</sup> Dannuo Wei, et.al., "Sexual Violence among Male Sexual Minority College Students in Guangdong, China: A Cross-Sectional Study." *Current Psychology*, (2022). p. 1-13.

<sup>6</sup> Duque Monsalve, et.al., "Analysis of the Prevalence and Perception of Sexual Harassment between University Students in Colombia." *Cogent Social Sciences* 8, No. 1 (2022).

<sup>7</sup> Andrea Valik, et.al., "PSH-C: A Measure of Peer Sexual Harassment among Children." *Journal of Social Issues*, 2022

<sup>8</sup> Ingunn Bjørnseth and Attila Szabo. "Sexual Violence against Children in Sports and Exercise: A Systematic Literature Review." *Journal of Child Sexual Abuse* 27, no. 4 (2018), p. 365-385.

and reduce the quality of life of the victim.<sup>9</sup> This argument is supported by Bendixen,<sup>10</sup> and Jung as well as Hyo Sun.<sup>11</sup>

In addition to globalization,<sup>12</sup> sexual harassment is also suspected to be due to the weak internalization of religious moral values.<sup>13</sup> This condition is surprising because it actually appears in educational institutions. Data on sexual harassment from January 2022 has reached 797 cases, since 2021 there have been 8,730 cases throughout Indonesia including 27 cases occurring in religious education institutions.<sup>14</sup> This data has also led Mind Technology Expert, Coach Rheo to assess that the charm of sex today has defeated human common sense.<sup>15</sup>

Moral education is delivered to realize individuals with spiritual and moral integrity,<sup>16</sup> to instill in student's positive beliefs and habits.<sup>17</sup> Educational institutions in general aim to lead students to good character, noble character and intellectual, social and spiritual intelligence. In addition, religious educational institutions such as pesantren to transform religious knowledge and play their role and function as agents of change, and social control.<sup>18</sup> This case of sexual

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<sup>9</sup>Shawn Meghan Burn. "The Psychology of Sexual Harassment." *Teaching of Psychology* 46, No. 1 (2019), p. 96-103.

<sup>10</sup>Mons Bendixen, et.al., "The Effects of Non-Physical Peer Sexual Harassment on High School Students' Psychological Well-Being in Norway: Consistent and Stable Findings across Studies." *International Journal of Public Health* 63, No. 1 (2018), p. 3-11.

<sup>11</sup>Hyo Sun Jung and Hye Hyun Yoon. "Sexual Harassment and Customer-Oriented Boundary-Spanning Behaviors: The Role of Burnout and Psychological Safety of Deluxe Hotel Employees." *International Journal of Contemporary Hospitality Management* 32, No. 1 (2019), p. 3-19.

<sup>12</sup>Rosemary Barberet, "Globalisation, Gender and Crime," *Research Handbook of Comparative Criminal Justice*, (2022), p. 304-314.

<sup>13</sup>Abd Chaidir Marasabessy, et.al., "Internalization Values of Character Education As a Solution for Degradation of Civility of the Nation," *Cetta: Jurnal Ilmu Pendidikan* 5, No. 2 (2022), p. 150-159.

<sup>14</sup>Theresia Felesiani, "Gawat, Kasus Pelecehan Seksual Pada Tempat Umum Termasuk Angkot Di DKI Naik 2 Kali Lipat." *Tribunnews.Com*, 2022. <https://www.tribunnews.com/metropolitan/2022/07/14/gawat-kasus-pelecehan-seksual-pada-tempat-umum-termasuk-angkot-di-dki-naik-2-kali-lipat>. Accessed, April 22, 2022.

<sup>15</sup>Yudo Dahono, "Maraknya Pelecehan Seksual, Ini Kata Pakar Teknologi Pikiran," *Beritasatu.Com*, 2022, <https://www.beritasatu.com/news/951555/maraknya-pelecehan-seksual-ini-kata-pakar-teknologi-pikiran>. Accessed, April 22, 2022.

<sup>16</sup>Mustaqim Pabbajah, et al., "Student Demoralization in Education: The Industrialization of University Curriculum in 4.0. Era Indonesia," *Cogent Education* 7, no. 1 (2020): 1779506.

<sup>17</sup>Sitti Hutari Mulyani et al., "Technological Intervention for Moral Education among Teenagers: A Review," in *International Visual Informatics Conference* (Springer, 2017), p. 647-57.

<sup>18</sup>Evita Yuliatul Wahidah, "Studi Implementasi Tradisionalisasi Dan Modernisasi Pendidikan Di Pondok Pesantren," *Muaddib: Studi Kependidikan Dan Keislaman* 5, no. 2 (2016), p. 184-207. Ridhwan, *Pendidikan Islam: Sejarah, Teori dan Praktinya di Indonesia*,

harassment that occurred at the educational institution has tarnished its good image so far.

On the basis of these considerations, various forms of response from religious leaders, educators, especially from scholars, have emerged against the case. Moreover, in the context of Islamic law, especially the interpretation scholars who question the act of sexual harassment, in general, the explanation is more patterned on the range of the nature and dangers of adultery for every human being without questioning the current demoralization conditions where acts of sexual harassment have plagued people who should protect and respect the educational institution. This is almost missing from the explanation of what if the perpetrator is an educator, caregiver, let alone a religious figure.

The purpose of this study, in addition to showing evidence that educational institutions in Indonesia have experienced symptoms of unsafe moral shifts with acts of sexual harassment in Indonesia, also wants to show the reaction of the community and the impact caused by sexual harassment as well as the views of scholars on the demoralization itself. Thus, the problems in this paper are; first, how is the form of sexual harassment behavior in educational institutions? Second, how is the reaction of society and the impact of sexual harassment behavior as a phenomenon of demoralization in educational institutions? Third, what is the view of the interpretation scholars on demoralization through sexual harassment?

Several arguments underlie this paper. First, the range of sexual harassment in educational institutions is caused by the range of unequal power relations that occur in activities in educational institutions and the weak understanding of sexuality knowledge. Second, sexual crimes in educational institutions will have an impact on the fading charisma and authority of teachers and caregivers, and the emergence of public stigma against educational institutions due to demoralization can reduce the level of public trust.

This study uses a descriptive qualitative method that is analyzed using the *tafsīr al-aḥkām* approach,<sup>19</sup> data were collected through interviews and literature studies. Interviews from a number of randomly selected community leaders referred to, are educators, sociologists, psychologists, religious leaders. While the literature study refers to articles, books of interpretation and online news data of sexual harassment cases that occur in educational institutions. Data on sexual harassment cases through news from online sources published through national

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(Lhokseumawe: Unimal Press 2017). Nashuddin, "Islamic Values and Sasak Local Wisdoms: The Pattern of Educational Character at NW Selaparang Pesantren, Lombok," *Ulumuna* 21, No. 1 (2020). Pamela Bolotin Joseph and Edward Mikel, "Transformative Moral Education: Challenging an Ecology of Violence," *Journal of Peace Education* 11, No. 3 (2014). p. 317–33.

<sup>19</sup> Lilik Umami Kalsum and Abd. Moqsith, *Tafsir Ayat-Ayat Ahkam* (Jakarta: UIN Press 2015). Lexy J. Moleong, *Metodologi Penelitian Kualitatif*, (Bandung: Rosdakarya, 2018).

and local media in Indonesia. The online newspaper was chosen as a data source because it is generally classified as an online newspaper that has credibility in Indonesia. In addition to data obtained from online news, it is also obtained from informants. The whole data will be processed starting from data classification, data display to data analysis and conclusions with the tafsīr al-aḥkām approach through the views of the scholars of interpretation.

### **Forms of Demoralization Through Sexual Harassment in Educational Institutions**

The education sector in Indonesia is back in the public spotlight after several incidents befell educational institutions due to demoralization in the form of sexual harassment of a number of students. Demoralization is a derivation of the word moral, which means a state of declining moral quality in society or a decline in dignity as a human being.<sup>20</sup> In fact, demoralization is associated with the occurrence of individual mental disorders that must involve psychiatrists.<sup>21</sup> This argument is supported by the views of Connor and Walton.<sup>22</sup> Furthermore, according to Ullah, Haque and Rickelman, demoralization can occur due to several factors including the existence of an economic crisis, from one side the population growth is relatively high while on the side of employment is very lacking, the decline in government authority, the high poverty rate, the decline in the quality of law enforcement officials, and the neglect of the community towards the implementation of religious teachings.<sup>23</sup>

Demoralization also cannot be separated from the unpreparedness of society in accepting the influence of technological developments and mass media, especially electronic media and the internet. This has become one of the gateways for the entry of outside cultures and the emergence of new cultures, causing people's behavior to change. Sexual harassment is a form of demoralization, one of the causes of which is in addition to the strong urge due to accessing

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<sup>20</sup> Wiktionary Contributions. "Demoralization." *Wiktionary, The Free Dictionary*, 2022. <https://en.wiktionary.org/w/index.php?title=demoralization&oldid=59526019>.

<sup>21</sup> Sophie Robinson et al., "A Review of the Construct of Demoralization: History, Definitions, and Future Directions for Palliative Care," *American Journal of Hospice and Palliative Medicine* 33, no. 1 (2016), p. 93–101.

<sup>22</sup> Margaret J Connor and Jo Ann Walton, "Demoralization and Remoralization: A Review of These Constructs in the Healthcare Literature," *Nursing Inquiry* 18, no. 1 (2011), p. 2–11.

<sup>23</sup> A K M Ahsan Ullah and Ahmed Shafiqul Huque, "Demoralization-Led Migration in Bangladesh: A Sense of Insecurity-Based Decision-Making Model," *Asian Journal of Comparative Politics* 5, no. 4 (2020), p. 351–70. Bonnie L Rickelman, "Demoralization as a Precursor to Serious Depression," *Journal of the American Psychiatric Nurses Association* 8, No. 1 (2002), p. 9-17.

pornographic sites, also because of the decline in faith or religious beliefs which are the main pillars of moral life.

Based on data shown through online information, there are six cases of sexual harassment behavior with the category of sexual coercion. The following data is in tabular form:

**Table 1: Data on Forms of Sexual Harassment**

No	Institution	Form/Mode/Victim	Data Source
1	High school in East Jakarta, DKI	Sexual harassment/threat of not being given grades and certificates, 1 person	<a href="https://www.beritasatu.com/megapolitan/99651/lecehkan-siswinya-wakepsek-sma-22-jakarta-dicopot">https://www.beritasatu.com/megapolitan/99651/lecehkan-siswinya-wakepsek-sma-22-jakarta-dicopot</a>
2	Pesantren in Ogan Ilir, South Sumatera	Sexual coercion/bribery; lure of money /26 male students	<a href="https://www.cnnindonesia.com/nasional/20211209082552-12-731811/daftar-kasus-kekerasan-seksual-di-pesantren-indonesia">https://www.cnnindonesia.com/nasional/20211209082552-12-731811/daftar-kasus-kekerasan-seksual-di-pesantren-indonesia</a>
3	SMK in Manggarai, NTT	Sexual harassment by religious teacher, 5 victims	<a href="https://floresa.co/2022/12/12/murid-smk-di-manggarai-ntt-lapor-guru-agama-katolik-ke-polisi-terkait-pelecehan-seksual/">https://floresa.co/2022/12/12/murid-smk-di-manggarai-ntt-lapor-guru-agama-katolik-ke-polisi-terkait-pelecehan-seksual/</a>
4	Kindergarten Schools in Mojokerto, East Java	Sexual harassment by fellow students/1 person	<a href="https://www.kemendiknas.go.id/index.php/page/read/29/4350/kemendiknas-prihatin-atas-kasus-kekerasan-seksual-terhadap-siswi-tk-di-mojokerto">https://www.kemendiknas.go.id/index.php/page/read/29/4350/kemendiknas-prihatin-atas-kasus-kekerasan-seksual-terhadap-siswi-tk-di-mojokerto</a>
5	Pesantren in Pinrang, South Sulawesi	Sexual Coercion Harassment/ 4 female students	<a href="https://www.cnnindonesia.com/nasional/20211108145103-12-718140/pimpinan-pesantren-di-sulsel-tersangka-pelecehan-seksual-santri">https://www.cnnindonesia.com/nasional/20211108145103-12-718140/pimpinan-pesantren-di-sulsel-tersangka-pelecehan-seksual-santri</a>
6	Junior High School in Medan, North Sumatra	Sexual harassment of gym teacher, dozens of students	<a href="https://www.detik.com/sumut/hukum-dan-kriminal/d-6443623/guru-olahraga-yang-lecehkan-siswi-smp-negeri-di-medan-dinonaktifkan">https://www.detik.com/sumut/hukum-dan-kriminal/d-6443623/guru-olahraga-yang-lecehkan-siswi-smp-negeri-di-medan-dinonaktifkan</a>
7	Elementary school in Bekasi, West Java	Sexual harassment of 3 students	<a href="https://metro.tempo.co/read/1657858/murid-sd-korban-pelecehan-seksual-guru-di-bekasi-bertambah-jadi-3-pelaku-masih-buron">https://metro.tempo.co/read/1657858/murid-sd-korban-pelecehan-seksual-guru-di-bekasi-bertambah-jadi-3-pelaku-masih-buron</a>

8	Elementary school in Manado, North Sulawesi	Sexual harassment, male student kisses his female friend	<a href="https://manado.tribunnews.com/2018/07/16/cerita-siswi-sd-di-manado-yang-dapat-pelecehan-seksual-dari-temannya">https://manado.tribunnews.com/2018/07/16/cerita-siswi-sd-di-manado-yang-dapat-pelecehan-seksual-dari-temannya</a>
9	Jakarta International School (JIS), Jakarta	Teacher commits sodomy, 3 victims	<a href="https://www.bbc.com/indonesia/berita_indonesia/2014/08/140807_kasus_jis">https://www.bbc.com/indonesia/berita_indonesia/2014/08/140807_kasus_jis</a>

The data above shows that cases of sexual harassment are committed by caregivers, teachers, and even fellow students. These cases have occurred in East Jakarta, Ogan Ilir (South Sumatra), Manggarai (East Nusa Tenggara, NTT), Mojokerto (East Java), Pinrang (South Sulawesi), Medan (North Sumatera), Bekasi (Central Java), Manado (North Sulawesi), and Jakarta. The form of sexual harassment falls into the category of sexual coercion. The sexual crimes they commit are pursued through 2 ways or modes, namely bribery and dogmatics. The bribery method is carried out such as with the lure of money, teaching the science of internal energy, and the lure of getting blessings. Meanwhile, the dogmatic method is carried out by the perpetrator by indoctrinating children to obey the teacher. The victims of sexual harassment are students who are the future assets of the nation and religion.

This sexual harassment case has been covered by a number of media including national and local online media. The media are [www.cnnindonesia.com](http://www.cnnindonesia.com), [kompas.com](http://kompas.com), [pikiran-rakyat.com](http://pikiran-rakyat.com), [beritasatu.com](http://beritasatu.com), [metro.tempo.co](http://metro.tempo.co), [www.detik.com](http://www.detik.com), <https://metro.tempo.co>, [tribunnews.com](http://tribunnews.com), [www.kemenpppa.go.id](http://www.kemenpppa.go.id), [flores.a.co](http://flores.a.co), [www.bbc.com/indonesia](http://www.bbc.com/indonesia), When viewed from the distribution of cases in various regions, it can be stated that cases of sexual harassment that occur in educational institutions in Indonesia are evenly distributed in terms of region. While the types of education are religious, general and vocational education and education levels ranging from kindergarten, elementary school, junior high school and high school/vocational school.

### **Society's Reaction to Demoralization in Educational Institutions**

Community reactions to sexual harassment in educational institutions are information and assessments from informants regarding actions taken by a teacher, caregiver or even fellow students in the form of sexual harassment. Based on the results of interviews from several informants, response data on sexual harassment behavior was obtained. The following is the data:



**Table 2: Community Assessment Data**

<b>Informant</b>	<b>Statement</b>	<b>Coding</b>
P 1	Very sad and embarrassing	Psychological reaction
P2	Something sad and troubling	Psychological reaction
P3	Very uneducative	Reaction related to the educational side
P4	Very inappropriate, and should be punished according to the rules	Legal reaction
P5	Very concerning	Psychological reaction
P6	It is unfortunate, it should educate instead of predator	Psychological and educational reactions
P7	Very brutal	Humanist reaction
P8	Very concerning, should be a role model	Psychological and educational reaction
P9	Very disturbing	psychological reaction
P10	Tarnishing the good name of Islamic education	Educational reaction
P11	Barbaric act, should be punished	Humanist and legal reaction
P12	Barbaric and very bad manners	Humanist and educative reaction.

The data above shows that the public's reaction in general views that crimes committed by teachers at educational institutions, religious figures are embarrassing, heartbreaking, very uneducated, brutal, and very concerning. All of these statements show that the demoralizing behavior of caregivers and educators in educational institutions has been assessed by society as an act that injures many aspects of human life. Psychological aspects, educational aspects, legal aspects, and humanist aspects.

A psychologist, Astinah, said that there is something wrong with the perpetrator both in terms of cognition, emotions, causing his behavior to deviate. The victim usually has a subordinate position that lacks the power to fight back so that harassment occurs or even the victim does not have access to anyone to tell his condition. Both perpetrators and victims need therapy.<sup>24</sup> In addition, a sociologist explained that where else will we find examples of moral education and noble morals if educational institutions alone are unable to develop the

<sup>24</sup> Interview with Astinah, Psikolog in Bone, South Sulawesi, September 2022.

mandate of religious moral education. In the end, people will find it difficult to trust.<sup>25</sup>

Thus, the reaction to demoralization in educational institutions is very disappointing and regrets that this kind of case occurred. Educational institutions that have the function of guarding noble morals and good character, actually become the main perpetrators in tarnishing the good name of these educational institutions.

### **The Impact of Demoralization in the Form of Sexual Harassment in Educational Institutions**

The impact of demoralization in the form of sexual harassment behavior by unscrupulous educators, caregivers or religious leaders is an influence caused by immoral actions and has direct and indirect consequences. The following is interview data from several informants:

**Table 3: Impact of Demoralization in Educational Institutions**

<b>Informant</b>	<b>Statement</b>	<b>Coding</b>
P 1	Creating anxiety and unrest for students	Psychiatry
P2	Damage self-esteem and good name of the institution	Institutional
P3	Traumatizing the victim and damaging the good name of the institution	Psychiatric and institutional
P4	Damage the good name of the institution	Institutional
P5	Reducing students' enthusiasm for learning and causing depression	Psychiatry
P6	Worsen the image of Islamic institutions	Institutional
P7	Traumatizes the victim and degrades the image of the institution	Psychiatric and institutional
P8	Tarnish the image of Islam, tarnish the honor of the ummah, become a bad example for students, and can reduce public interest in Islamic institutions	Religious, psychological, and institutional

<sup>25</sup> Interview with Kurniati Abidin, Sosiolog in Bone, South Sulawesi, August 2022.

P9	Creating a negative stigma in society towards Islamic institutions	Institutional
P10	Causing trauma to the victim and the community becomes skeptical of Islamic Education institutions	Psychiatric and institutional
P11	Damaging the name of the institution and losing public trust in Islamic education institutions	Institutional
P12	Damaging the honor of Muslims	Religion

The data shows that the impact of sexual harassment behavior in educational institutions has an impact on three aspects, namely psychological, institutional, and religious aspects. From the psychological side, the victim can feel traumatic and depressed. Even other students can feel excessive anxiety and weaken the spirit of learning. From the institutional side, the name of the educational institution is damaged and reduces the level of public trust in educational institutions. In terms of Islamic law, it is a forbidden and haram act which is included in one of the major sins.

Cases of sexual harassment committed in educational institutions have drawn criticism from various parties. The impact not only injures the future and soul of the victim, but also damages the image of the educational institution itself. This can be seen from the results of the interview: it is very unfortunate what happened to the students with immoral acts, sexual harassment. Their future has been tarnished by their own teachers, and it is even worse because this incident took place in educational institutions, both in public institutions, especially pesantren and madrasah.<sup>26</sup> Likewise, the views of educators who say that cases of sexual harassment in educational institutions tarnish the image of the ummah, this will reduce public trust, if what has been a representation of the teaching of religious values is also tarnished by acts of sexual crime.<sup>27</sup>

Actually, in addition to Islamic law that treats acts of harassment of sexual violence funds, in positive law the government has also made regulations, especially for victims who are still at the age of children, namely under 18 years of age. The regulation or rule of law is first through Law No. 23 of 2002 concerning child protection, then updated with Law No. 35 of 2014.<sup>28</sup>

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<sup>26</sup> Interview with Muslihin Sultan, Religious Figure in Bone, South Sulawesi, August 2022.

<sup>27</sup> Interview with Khaeruddin Kiramang, Educator Figure in Bone, South Sulawesi, September 2022.

<sup>28</sup> Undang-Undang Nomor 23 tahun 2002 tentang Perlindungan Anak. Undang-Undang No. 35 tahun 2014. 2022 tentang Perubahan atas Undang-Undang Nomor 23 tahun 2002.

The information above shows that acts of sexual harassment committed by educators and caregivers at educational institutions greatly affect the level of public trust. Moreover, educational institutions as institutions that educate students and society from the aspect of morality.

### **Sexual Harassment in the Study of *Tafsīr Al-Aḥkām***

The role of educational institutions in general, including Islamic educational institutions, is expected to foster and produce human resources so as to produce quality alumni who have insights into science, skills, and technology and have a provision of faith and piety so that they have competencies that are favored while still being based on the values of Islamic teachings.<sup>29</sup>

Sexual harassment is intentional behavior that aims to intimidate, degrade, humiliate, or sexually assault a victim.<sup>30</sup> Sexual harassment not only describes unwanted behavior or attention of a sexual nature, but also disturbs the recipient of the harassment. During this time, sexual harassment sometimes also offers lures to the point of coercion to engage in sexual activities, derogatory statements about sexual orientation or sexuality, requests to perform sexual acts that are favored by the perpetrator, words or actions that have sexual connotations, all can be classified as sexual harassment.<sup>31</sup>

Categories of sexual harassment, broadly categorized into 3 categories: sexual coercion, gender harassment, and unwanted sexual attention.<sup>32</sup> As for the difference between the three, sexual coercion is defined as a direct request or requirement to perform sexual behavior in exchange for work or school, while gender harassment is the degradation of women carried out in groups such as making jokes about women as sex objects or posting pornographic images as sex objects. Third, unwanted sexual attention is the degradation of women done individually such as treating women as sex objects by sending inappropriate emails or private messages. The category of sexual harassment according to Komnas Perempuan, actually refers to sexualized actions that are then conveyed

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<sup>29</sup> M Ihsan Dacholfany, "Inisiasi Strategi Manajemen Lembaga Pendidikan Islam Dalam Meningkatkan Mutu Sumber Daya Manusia Islami Di Indonesia Dalam Menghadapi Era Globalisasi," *At-Tajdid: Jurnal Pendidikan Dan Pemikiran Islam* 1, No. 1 (2017).

<sup>30</sup> James Campbell Quick and M McFadyen, "Sexual Harassment: Have We Made Any Progress?," *Journal of Occupational Health Psychology* 22, No. 3 (2017), p. 286.

<sup>31</sup> Triwijati N K Endah and Savy Amira, "Pelecehan Seksual: Tinjauan Psikologis" (Fakultas Psikologi Universitas Surabaya, 2012), Accessed, September 2020.

<sup>32</sup> Kimberly Fairchild and Laurie A Rudman, "Everyday Stranger Harassment and Women's Objectification," *Social Justice Research* 21, No. 3 (2008), p. 338-357.

through physical contact, or non-physical contact, which targets the sexual body parts or sexuality of a person.<sup>33</sup>

Cases of sexual harassment that occurred in educational institutions as shown in table 1, tend to be in the form of sexual coercion with lure and doctrine strategies. The perpetrator utilizes his position as an institution manager for power. This strengthens Michel Foucault's opinion about the influence of power relations. According to him, power relations can lead to interdependence between various parties, namely between those who hold power and those who are objects of power. Power can arise and occur also because of the underdevelopment of one party.<sup>34</sup> The victim of abuse is usually in a position of underdevelopment or a weak party in various ways, including their powerlessness to refuse the perpetrator's invitation, as well as the victim's lack of knowledge about sexuality. The imbalance of power relations in educational institutions is the dominant factor causing sexual harassment. This is evidenced by the majority of educators and caregivers as individuals. In Fairchild and Rudman's view,<sup>35</sup> sexual harassment that occurs in general is a form of sexual coercion due to unequal power relations. Sexual coercion is carried out as a direct request or requirement to perform sexual behavior in return for work or school-related rewards.

In the perspective of *tafsīr al-aḥkām*, sexual harassment is a major sin that must be dealt with firmly by Islamic law. Punishment for perpetrators of sexual harassment may vary depending on the severity of the act and the circumstances, but may include corporal punishment, fines, or imprisonment. Perpetrators of sexual harassment who offer lures and use dogmatic strategies to the victim to get what they want are actions that injure the maqāshid of the Qur'an which has glorified the position of 'alim or scholars (QS. Al-Mujadilah/58: 11). This form of sexual violence has harmed the victim. Interpretation scholars such as Ibn 'Ashur emphasize that every individual has the right to dignity and honor to live more nobly, not to be oppressed.<sup>36</sup> Humans have a responsibility to other humans from all forms of desecration and destruction. No matter who the person is, the law applies equally to every individual.

In terms of the forms of crimes committed by educators and caregivers, they can be classified as interpersonal crimes and social crimes. It is said to be an

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<sup>33</sup> Komnas Perempuan, "Kekerasan Meningkat: Kebijakan Penghapusan Kekerasan Seksual Untuk Membangun Ruang Aman Bagi Perempuan Dan Anak Perempuan," *Catahu: Catatan Tahunan Tentang Kekerasan Terhadap Perempuan*, 2020, p. 1–109.

<sup>34</sup> Michel Foucault, *Power: The Essential Works of Michel Foucault 1954-1984* (Penguin UK, 2019).

<sup>35</sup> Fairchild and Rudman, "Everyday Stranger Harassment and Women's Objectification."

<sup>36</sup> Muhammad al-Tāhir Ibn 'Asyur, *Al-Taḥrīr Wa Al-Tanwīr, Juz 15* (Tunisia: Dar sahnun li al-Nasyr wa al-Tauzi', 1969).

interpersonal crime because it harms other people as victims of sexual harassment which has a direct effect on the victim, both psychologically and otherwise. It is said to be a social crime, because the effects of the perpetrator's crime are disturbing and even detrimental to society and against the morals of society. The effects and impacts caused, in Islamic law, do not maintain the principles in *maqāshid al-Qur'ān* and *maqāshid al-Syarī'ah* as intended as social norms in QS. Al-Ma'idah/5:32-33.

Islamic law has a basic concept in avoiding sexual harassment by ordering each individual to be able to maintain and maintain their views and genitals (*farj*), because the view is one of the doors through which the crime of sexual harassment can enter. Al-Qurtubi, a mufasir said anything that can bring people closer to adultery, then it can be called adulterous behavior.<sup>37</sup> Sexual harassment is part of adulterous behavior, even though the act is only desired by one party, namely the perpetrator, not by the victim. The definition of adultery is having sexual intercourse with a woman, or having sexual intercourse without a marriage contract that is justified by the Shari'ah. All scholars have agreed that zina is forbidden as in QS. Al-Isrā'/17:32:

وَلَا تَقْرَبُوا الزَّيْنَىَٰ إِنَّهُ كَانَ فَحِشَةً وَسَاءَ سَبِيلًا

Translation: "And do not approach adultery, indeed adultery is an abominable act and a bad way".

M. Quraish Shihab explains that the meaning of "do not approach adultery" indicates the prohibition of doing something that can stimulate lust to commit adultery, or the prohibition against falling into something that has the potential to do so.<sup>38</sup> Quraish Shihab's opinion is also supported by Imam al-Razy,<sup>39</sup> and al-Zuhaili.<sup>40</sup> In addition to this verse, in QS. Al-Nur/24:30-31 shows the command to the people to restrain their gaze and keep their genitals:

قُلْ لِلْمُؤْمِنِينَ يَعْضُوا مِنْ أَبْصَرِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَىٰ لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ وَقُلْ لِلْمُؤْمِنَاتِ يَعْضُضْنَ مِنْ أَبْصَرِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا

<sup>37</sup> Abu Abdillah Muhammad bin Ahmad bin Abi Bakr Al-Qurtubiy, *Al-Jāmi' Li Ahkām Al-Qur'ān*, I (Bairut-Libanon: Jami' al-Huquq Mahfudzah li al-Nasyir, 2006), p. 72.

<sup>38</sup> M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan Dan Keresasian Al-Qur'an*, (Jakarta: Lentera Hati, 2007).

<sup>39</sup> Muhammad Fakhruddin Al-Razi, *Tafsir Al-Fakhr Al-Razi, Juz 15* (Bairut, Libanon: Dar al-Fikr, 1981).

<sup>40</sup> Wahbah Al-Zuhaili, *Al-Tafsir Al-Wasith, Translated by Muhtadi et.al., Juz 2*, (Jakarta: Gema Insani, 2013).

Translation: "Say to the believing men, let them restrain their gaze, and keep their private parts. That is purer for them, surely Allah knows best what they do. And say to the believing women, that they should keep their eyes and keep their private parts, and should not reveal their adornment (aurat), except what is usually seen..."

The two verses above are the basis for the prohibition of sexual harassment. The women's ulama organization abbreviated as KUPI (Indonesian Women's Ulama Congress) in the results of its congress also produced a contemporary interpretation of its defense of women who have always been victims of sexual harassment for the actions of the authorities and educators who should protect victims. KUPI has a religious attitude and view that the party who should be obliged to protect the victim should be sentenced to severe punishment for violating a number of regulations.<sup>41</sup> From a religious perspective, the perpetrators have ignored the arguments of the Qur'anic verse QS. Al-Nahl/16: 90-91, QS. Al-Nisa/4: 58, QS. Al-Isra'/17:32, QS. Al-Ahzab/33: 30 and a number of hadith arguments.

Perpetrators of sexual harassment committed by individuals in educational institutions by means of sexual coercion through dogmatic means or lures for students have tarnished Islamic law that they themselves know. Whereas teachers and caregivers as well as educators, in theory, understand that religion prohibits immoral acts or sexual harassment because it is part of the act of *fahsyā'* or *fāhisyah* (abominable). Vile acts related to the term *fahsyā'* or *fahisyah* are understood by the mufasir as acts that are really bad.<sup>42</sup> The abomination and ugliness contained in this act show that this immoral act is an act that is likely to damage the joints of human life and many aspects of shari'ah or *maqāshid shari'āh*. Among other things, it damages the dimensions of religion, soul and human offspring, which actually undermines human dignity as a creature glorified by Allah SWT. Caregivers and educators as the perpetrators in cases of sexual harassment have also tarnished their position as advocates of goodness (QS. Al-Shaf/61: 2-3. They are actually role models and are obliged to protect anyone who is under their care, but the opposite happens. In the midst of the rise of such cases, caregivers and teachers have been considered by the community as a form of demoralization that harms and injures not only the *maqāshid shari'āh*, but also the good name of educational institutions and Islamic education.

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<sup>41</sup> Tim KUPI, "Dokumen Resmi Proses Dan Hasil Kongres Ulama Perempuan Indonesia 25-27 April 2017 M/28-30 Rajab 1438 H Pondok Pesantren Kebon Jambu Al-Islamy Babakan Ciwaringan Cirebon Jawa Barat" (Cirebon, 2017).

<sup>42</sup> Ar-Raghib Al-Ashfahani, *Al-Mufradat Fi Gharibil Qur'an*, Translated by Ruslan Nurhadi (Depok Jawa Barat: Pustaka Khazanah Fawa'id, n.d.), p. 31.

In addition to harming public trust, the most harmed is the victim, both physically and mentally. Victims of sexual harassment can feel uncomfortable and unsafe in the educational environment. Sexual harassment can also reduce students' motivation to learn, thus affecting the quality of their education.

Therefore, in addition to the general public having reacted to this case, condemnation was also conveyed by the Vice President of the Republic of Indonesia, Ma'ruf Amin as well as sending his message that pesantren need to carry out their functions properly so that the community continues to trust and does not create a stigma.<sup>43</sup> Then the Minister of Religious Affairs Yaqut Cholil Qoumas has shown a serious attitude of the importance of preventing early sexual crime behavior. First, instructing his staff to immediately investigate all schools in Indonesia including religious schools that are indicated to have sexual crimes, because they are in the name of religion in their institutions and automatically damage the good name of religion itself. Second, it will cooperate with related parties such as the Indonesian Child Protection Commission (KPAI), and the police. Third, revising the operational licenses of religious and religious education institutions.<sup>44</sup> Islamic educational institutions have suffered a bad image due to acts of sexual harassment committed in institutions and institutions that teach moral values.

The Ministry of Women's Empowerment and Child Protection (KemenPPPA) regrets the cases of sexual violence that occur in educational institutions from kindergarten to high school. The Ministry is committed to guarding and paying attention to the fulfillment of victims' rights. Even related to legal handling, by referring to law enforcement to pay attention to Law Number 11 of 2012 concerning the Child Criminal Justice System, considering that the perpetrator is still under 12 years old.<sup>45</sup>

Referring to the explanation of the scholars of interpretation as affirmed in Islamic law that sexual violence is a prohibited act that eliminates human dignity. Coupled with the affirmation of the Vice President of the Republic of Indonesia, the Minister of Religious Affairs and the Ministry of Women's Empowerment and Child Protection should be the basis of concern so that sexual crimes in educational institutions can be eliminated. Because if not, it will have

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<sup>43</sup> Faieq Hidayat, "Wapres : Kekerasan Seksual Coreng Nama Pesantren, Jangan Sampai Terjadi Di Tempat Lain," *Inews.Id*, 2021, <https://www.inews.id/news/nasional/wapres-kekerasan-seksual-coreng-nama-pesantren-jangan-sampai-terjadi-di-tempat-lain>. April 23, 2022.

<sup>44</sup> Moh. Khoeron, "Tiga Langkah Menag Cegah Kekerasan Seksual Di Lembaga Pendidikan Agama," *Kemenag.Go.Id*, 2021, <https://kemenag.go.id/read/tiga-langkah-menag-cegah-kekerasan-seksual-di-lembaga-pendidikan-agama-zeod4>. Accessed, April 24, 2022.

<sup>45</sup> "KemenPPPA Prihatin Atas Kasus Kekerasan Suksual terhadap Siswi TK di Mojokerto", <https://www.kemenpppa.go.id>, Accessed, April 22, 2022.



an impact on the fading charisma and weak authority of educational institutions as a place of character building and moral guardians. As a result, it can reduce the level of public trust in educational institutions.

## Conclusions

This study highlights that educational institutions, which are meant to promote morality, do not always provide a safe and positive environment, free from immoral behaviors. This has caused changes in society's perceptions and stigma. The sacred relationship between caregivers, educators, and students has weakened as a result. The demoralization that has occurred in educational institutions demonstrates that the tendency to engage in immoral acts cannot always be controlled through a religious environment. Humans have the capacity to act based on their inability to balance their id, ego, and superego, often prioritizing the principle of satisfaction and pleasure as biological beings. In the context of Islamic law, the commands to keep the gaze and protect one's private parts, and to avoid anything that leads to adultery, are protective measures by Allah through the Qur'an to preserve human morality. This is one of the objectives or *maqāshid al-Qur'an* and *maqāshid shari'āh*. The study's findings demonstrate that demoralization in educational institutions is a phenomenon that Muslims cannot ignore or turn a blind eye to due to subject and object factors. Sexual harassment in educational institutions is a part of the current turmoil in the ummah that requires a solution. Given the crucial findings of this research, the government must ensure the implementation of regulations against sexual violence in education. This will help save educational institutions from actions that undermine their function and role as educational institutions and prevent public mistrust.

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