



Implementation of Child Protection Policies Against Sexual Violence in Educational Institutions: A *Fiqh Siyasa* Perspective

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Abstract:

Sexual violence against children within educational institutions constitutes a serious violation of children's physical integrity, dignity, and developmental rights. Existing studies have predominantly examined child protection from either a positive legal perspective or an Islamic normative perspective, while limited attention has been given to the systematic integration of both frameworks in assessing the implementation of child protection policies against sexual violence in educational institutions. This study addresses this gap by examining the normative coherence and implementation requirements of child protection policies through an integrated analysis of Indonesian positive law and *Fiqh Siyasa*. Employing a normative juridical method with a descriptive-analytical approach, the study analyzes Law No. 12 of 2022 on Sexual Violence Crimes, Law No. 35 of 2014 on Child Protection, and relevant regulatory principles alongside the concepts of *amanah*, *ulil amri*, and *Maqashid al-Shariah*. The analysis demonstrates that Indonesian legislation provides a substantial normative foundation for the prevention, protection, law enforcement, restitution, and recovery of child victims of sexual violence. Nevertheless, a normative examination reveals several areas requiring stronger institutional alignment, particularly regarding preventive responsibilities, reporting and protection mechanisms, victim-centered recovery, and coordination among responsible institutions. From the *Fiqh Siyasa* perspective, these responsibilities constitute an *amanah* of *ulil amri* and are closely connected to *hifz al-nafs* and *hifz al-'irdh* as principles for protecting life, dignity, and honor. The novelty of this study lies in constructing an integrated normative framework that connects the statutory obligations of the state with Islamic principles of public responsibility and child welfare. The study argues that harmonizing positive law with *Fiqh Siyasa* principles provides a normative basis for strengthening state accountability and advancing substantive child protection within educational institutions.

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Introduction (مقدمة)

Sexual violence against children constitutes a severe violation of human rights with lasting consequences for physical health, psychological well-being, dignity, and social development (Walker-Descartes et al., 2021). Children require particular protection because their developmental vulnerability and dependence on adults may increase their exposure to exploitation, particularly where unequal relationships and inadequate protection mechanisms exist. The persistence of sexual violence therefore represents not only an individual criminal matter but also a broader issue of state responsibility for safeguarding children's rights (Mockridge et al., 2024). Indonesian reports continue to indicate substantial cases of violence against children, with sexual violence representing a significant proportion of reported incidents. Educational institutions require particular attention because schools, pesantren, and other learning environments involve structured relationships of authority and dependence that may affect children's ability to disclose and report abuse.

The complexity of sexual violence is also reflected in the contexts and methods through which abuse may occur. Individuals occupying positions of authority may create barriers to disclosure because institutional status can influence victims' willingness or ability to report alleged abuse. Documented cases involving alleged sexual violence by members of law enforcement during the 2023–2025 period illustrate that institutional authority does not automatically ensure protection from abuse (N. A. Kurniawan & Mustofa, 2026). Sexual exploitation may additionally extend into digital environments through social media, messaging applications, online games, and other communication platforms. Online grooming and gradual emotional manipulation create regulatory and preventive challenges because perpetrators may operate beyond the immediate institutional boundaries of schools or pesantren (Kloess et al., 2014; Odudu, 2024). Although Indonesian criminal law contains provisions applicable to sexual exploitation and electronic communication, child grooming has not been comprehensively established as an autonomous criminal offence, indicating the importance of preventive measures, digital literacy, institutional monitoring, and early identification (Gupta, 2025).

Educational institutions encompass diverse settings, including early childhood education, primary and secondary schools, pesantren, and higher education. These environments possess different structures of authority that may shape vulnerability to sexual violence. In pesantren, for example, religious authority may be closely associated with spiritual obedience, social respect, and institutional dependence, potentially creating difficulties when allegations involve respected religious figures (Candraningrum & Rahmawati, 2026). Similar concerns may arise in other educational environments where unequal relationships, weak supervision, limited reporting mechanisms, or insufficient protection procedures affect the capacity of institutions to respond to allegations. In religious educational institutions, excessive loyalty toward authority figures may discourage victims and families from reporting, particularly where reporting is perceived as challenging institutional or religious authority. Strengthening accountability therefore requires religious values to function as principles of protection, dignity, justice, and human welfare rather than as barriers to legal responsibility (Feyza & Hanif, 2026).

The Indonesian state possesses a constitutional and statutory responsibility to protect children from violence, exploitation, and discrimination. Law No. 12 of 2022 on Sexual Violence Crimes provides a comprehensive legal basis for preventing and addressing sexual violence, while Law No. 35 of 2014 on Child Protection strengthens state obligations concerning children's protection and welfare. Indonesia's ratification of the Convention on the Rights of the Child through Presidential Decree No. 36 of 1990 further establishes commitments to legislative, administrative, social, and educational measures for child protection (Alam et al., 2024). These instruments establish an important normative foundation for prevention, law enforcement,

victim protection, restitution, and recovery. The central legal issue is consequently not merely the existence of protective norms but their normative coherence and the responsibilities that must be fulfilled by state and educational institutions to translate those norms into substantive protection.

The integration of positive law with *Fiqh Siyasah* is grounded in their shared concern with the protection of human welfare and the responsibility of public authority. *Fiqh Siyasah* conceptualizes leadership as an *amanah*, requiring *ulil amri* to safeguard public interests and prevent harm. The principle of *al-maslahah al-ammah* places the protection of vulnerable members of society within the objectives of responsible governance, while *Maqashid al-Shariah* provides a substantive ethical foundation through *hifz al-nafs* (protection of life) and *hifz al-'irdh* (protection of dignity and honor) (Marluwi et al., 2025). These principles complement rather than replace the state's positive-law obligations. Positive law establishes binding legal standards and institutional responsibilities, whereas *Fiqh Siyasah* provides a normative-ethical framework for examining whether the exercise of public authority is oriented toward protection, justice, welfare, and the restoration of victims' rights. Such integration is therefore relevant for assessing child protection as both a legal obligation and an ethical responsibility of governance.

Previous studies have examined sexual violence against children through positive law, victimology, psychology, Islamic law, and victim rehabilitation. Research on restitution has identified administrative barriers and perpetrators' limited financial capacity as challenges to fulfilling victims' rights, while psychological studies have emphasized the multidimensional consequences of sexual violence and the need for sustained family and social support. Studies employing *Maqashid al-Shariah* have also addressed psychological recovery, although some remain focused on particular rehabilitation institutions rather than the broader normative responsibilities of the state. This literature indicates a research gap in the limited integration of Indonesian positive law and *Fiqh Siyasah* to examine child protection policy within educational institutions as a unified framework of state responsibility.

The novelty of this study lies in developing an integrated normative analysis that connects statutory obligations concerning prevention, protection, enforcement, restitution, and rehabilitation with the concepts of *amanah*, *ulil amri*, *al-maslahah al-ammah*, *hifz al-nafs*, and *hifz al-'irdh*. Rather than treating positive law and Islamic jurisprudence as separate analytical domains, the study positions *Fiqh Siyasah* as a complementary normative perspective for evaluating the orientation and responsibility of public authority in implementing child protection policies. Accordingly, this study aims to analyze the implementation of child protection policies against sexual violence in Indonesian educational institutions from the perspectives of positive law and *Fiqh Siyasah*, with particular attention to state responsibility, preventive and repressive protection, institutional accountability, restitution, rehabilitation, and the fulfillment of children's rights (H. Kurniawan, 2025).



Method (منهج)

Research Design

This study employs a normative juridical research design to examine the implementation of child protection policies against sexual violence in educational institutions from the perspectives of Indonesian positive law and *Fiqh Siyasah*. Normative legal research focuses on legal norms, principles, doctrines, and regulatory frameworks governing the protection of children from sexual violence (Wulandari, 2026). The study does not involve field interviews, questionnaires, observations, or statistical surveys; instead, it relies on primary and secondary legal materials identified through systematic library research. The research examines how existing legal provisions construct state responsibilities concerning prevention, reporting,

protection, law enforcement, restitution, rehabilitation, and the fulfillment of victims' rights. The normative analysis is complemented by *Fiqh Siyasa* and *Maqashid al-Shariah* to examine the ethical and juridical dimensions of public authority, child protection, human dignity, and public welfare.

Legal Approaches

The study applies a statutory approach (statute approach) and a conceptual approach (conceptual approach). The statutory approach examines constitutional provisions, legislation, and regulatory instruments governing child protection and the prevention and handling of sexual violence in educational institutions (Willis, 1935). Particular attention is given to Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 on Child Protection and Law No. 12 of 2022 on Sexual Violence Crimes, together with relevant regulations concerning the prevention and handling of violence in educational settings. These instruments are examined to identify the legal duties of the state and educational institutions concerning prevention, reporting, protection, enforcement, restitution, and rehabilitation. The conceptual approach examines the concepts of state responsibility, child protection, victim welfare, *Fiqh Siyasa*, *amanah*, *al-maslahah al-ammah*, and *Maqashid al-Shariah*. The two approaches are integrated by first identifying the obligations established by positive law and subsequently interpreting their substantive objectives through Islamic legal principles concerning the protection of vulnerable members of society.

Sources of Legal Materials and Selection Criteria

The study uses primary and secondary legal materials selected according to their normative authority, relevance, authenticity, and direct contribution to the research objectives. Primary legal materials comprise the 1945 Constitution of the Republic of Indonesia, Law No. 35 of 2014 on Child Protection, Law No. 12 of 2022 on Sexual Violence Crimes, Presidential Decree No. 36 of 1990 concerning the ratification of the Convention on the Rights of the Child, and relevant ministerial regulations governing the prevention and handling of violence in educational institutions. Primary materials are included when they directly regulate or establish principles concerning children's rights, sexual violence, institutional responsibility, prevention, victim protection, law enforcement, restitution, or rehabilitation.

Secondary legal materials comprise peer-reviewed journal articles, academic books, legal commentaries, previous research, and scholarly publications addressing child protection, sexual violence, educational institutions, state responsibility, *Fiqh Siyasa*, and *Maqashid al-Shariah*. Literature is identified primarily through academic databases and scholarly search platforms, including Google Scholar, Scopus, and ScienceDirect, using combinations of the keywords child protection, sexual violence, educational institutions, state responsibility, *Fiqh Siyasa*, and *Maqashid al-Shariah*. Recent publications, particularly those issued within the previous five years, are prioritized to capture contemporary scholarly developments, while older works are retained when they provide foundational legal, conceptual, or theoretical arguments. Materials are selected when their content is directly relevant to the research questions, their scholarly or normative authority can be established, and their arguments contribute to the interpretation of state responsibility or victim protection. Comparative literature from other Muslim-majority jurisdictions is used only as contextual secondary material and does not constitute the primary basis for determining Indonesian legal obligations.

Data Collection

Data collection is conducted through systematic library research involving identification, screening, classification, and documentation of relevant legal and scholarly materials. The identification stage uses the predetermined thematic keywords across the selected academic databases and official legal-document repositories. The screening stage assesses the relevance of

each material based on its title, abstract or substantive content, legal status, publication credibility, and relationship to the research objectives. Materials that do not directly address child protection, sexual violence, educational institutions, state responsibility, or the *Fiqh Siyasa* framework are excluded from the principal analysis.

The selected materials are then classified into analytical categories corresponding to the research objectives. Primary legal materials are organized according to their normative hierarchy and substantive subject matter, including prevention, reporting, institutional responsibility, protection, law enforcement, restitution, rehabilitation, and victims' rights. Secondary materials are classified according to their conceptual and analytical contributions, including interpretations of positive law, child protection policy, victim welfare, state responsibility, *Fiqh Siyasa*, and *Maqashid al-Shariah*. This systematic organization facilitates comparison among legal provisions and scholarly interpretations and provides the basis for subsequent normative analysis (Komba & Lwoga, 2020).

Data Analysis

The collected materials are analyzed using a descriptive-qualitative method with a normative-analytical orientation. The analysis proceeds through four interconnected stages. First, the relevant statutory provisions and regulatory principles are identified and interpreted to establish the legal framework governing child protection against sexual violence. Second, the provisions are classified according to the principal dimensions of protection, namely prevention, reporting, institutional accountability, law enforcement, restitution, rehabilitation, and victim-centered protection. Third, the identified legal norms are examined conceptually through *Fiqh Siyasa*, particularly the principles of *amanah*, *al-maslahah al-ammah*, *hifz al-nafs*, and *hifz al-'irdh*. Fourth, the findings from the statutory and conceptual analyses are synthesized to identify normative consistencies, complementary principles, and areas requiring stronger alignment between positive law and Islamic legal values.

The synthesis does not seek to measure empirical implementation or establish causal relationships because the study does not employ field data. Instead, it evaluates how the existing legal framework defines state and institutional responsibilities and how those responsibilities can be understood through the normative principles of *Fiqh Siyasa*. Particular attention is given to whether the legal framework provides a coherent basis for preventing harm, protecting victims, ensuring accountability, restoring victims' rights, and supporting rehabilitation. The final analysis formulates normative implications for strengthening child protection policies within educational institutions.

Analytical Framework

The analytical framework positions state responsibility as the central dimension for examining the normative implementation of child protection policies. Prevention, institutional accountability, law enforcement, victim protection, restitution, rehabilitation, and social reintegration are treated as interconnected dimensions of the legal responsibility to protect children from sexual violence. *Fiqh Siyasa* functions as the conceptual lens for examining public authority through the principles of *amanah* and *al-maslahah al-ammah*, while *Maqashid al-Shariah* provides a complementary normative foundation through *hifz al-nafs* and *hifz al-'irdh*, representing the protection of life, dignity, and honor.

The synthesis follows a normative matrix linking each dimension of state responsibility with the corresponding positive-law provisions and relevant Islamic principles. This matrix enables the study to identify areas of convergence, complementary normative principles, and potential regulatory or conceptual gaps. Positive law provides the binding legal framework, whereas *Fiqh Siyasa* and *Maqashid al-Shariah* provide an ethical-normative perspective for

interpreting the objectives of public authority and child welfare. The resulting framework allows the study to examine child protection beyond criminal sanctions by incorporating prevention, institutional accountability, victim recovery, dignity, and welfare as interconnected dimensions of protection. Through this process, the study develops an integrated normative interpretation of how Indonesian legal instruments and Islamic legal principles can reinforce state responsibility for protecting child victims of sexual violence in educational institutions.

Result (نتائج)

The normative juridical analysis identifies a progressively developed legal framework for protecting children from sexual violence in Indonesian educational institutions. Law No. 35 of 2014 on Child Protection establishes the legal obligation to protect children from physical, psychological, sexual, and other forms of violence, including within educational environments. Article 54 specifically establishes protection for children in and around educational institutions. Law No. 12 of 2022 on Sexual Violence Crimes further develops this framework by regulating prevention, victim protection, law enforcement, restitution, rehabilitation, and institutional coordination. The analysis therefore demonstrates a normative development from general child protection toward a more specific legal framework addressing sexual violence and the recovery of victims (Jamaludin & others, 2025).

Law No. 12 of 2022 establishes prevention, protection, enforcement, and recovery as interconnected dimensions of the legal response to sexual violence. Restitution provides a normative mechanism for addressing losses suffered by victims, while medical and social rehabilitation are directed toward recovery from the consequences of violence. The distribution of responsibilities among central and local governments further indicates that child protection is constructed as a responsibility involving multiple levels of public authority. Educational institutions form part of this broader legal structure because prevention and protection must operate within environments where children interact with educators, administrators, and other institutional authorities (Hafen, 1987). The normative framework consequently places responsibility not only on law enforcement institutions but also on public authorities and educational institutions within their respective legal mandates.

The regulatory framework governing educational institutions demonstrates a further institutionalization of violence prevention and protection. Permendikbudristek No. 46 of 2023 established mechanisms for the prevention and handling of violence in educational environments, including reporting, case handling, follow-up, and recovery. The framework was subsequently replaced by Permendikdasmen No. 6 of 2026 concerning Safe and Comfortable School Culture, which adopts a broader conception of safety in educational environments. The newer regulation incorporates physical, psychological, sociocultural, spiritual, and digital dimensions of educational safety. From a normative perspective, this regulatory development indicates a broader orientation from responding to individual incidents toward embedding safety within institutional governance and educational culture. The analysis therefore identifies prevention, accessibility of protection mechanisms, institutional responsibility, and continuity of protection as important dimensions of the current regulatory framework. These findings concern the content and direction of the legal instruments themselves and should not be interpreted as empirical evidence that such mechanisms have been effectively implemented in all educational institutions.

The normative analysis identifies *Fiqh Siyasa* as a complementary conceptual framework for interpreting state responsibility in child protection. The principle of *amanah* conceptualizes public authority as a responsibility directed toward justice, protection, and public welfare. Within this framework, *siyasa dusturiyah* concerns the formulation of constitutional and legal norms,

siyasaḥ tanfidziyah concerns the implementation of those norms, and *siyasaḥ qadha'iyah* concerns judicial enforcement and legal remedies. These dimensions provide a conceptual structure for examining the relationship between the formulation, implementation, supervision, and enforcement of child protection policies. The integration of these concepts indicates that state responsibility in child protection cannot be understood solely through the enactment of legislation. Normatively, public authority also carries responsibilities concerning implementation, supervision, enforcement, and access to remedies. Educational authorities form part of this structure because their exercise of institutional authority is connected to the protection of children within educational environments (Herdian et al., 2026). Accordingly, *Fiqh Siyasaḥ* complements positive law by providing an ethical-normative basis for interpreting public authority as an *amanah* oriented toward justice and the protection of vulnerable members of society.

The *Maqashid al-Shariah* analysis identifies several fundamental interests relevant to the protection of children from sexual violence. *Hifz al-nafs* concerns the preservation of life and the protection of physical and psychological integrity, while *hifz al-'irdh* concerns dignity, honor, privacy, and personal integrity. *Hifz al-'aql* provides a normative basis for protecting psychological stability and educational development, whereas *hifz al-nasl* relates to the protection of future generations from the continuing consequences of harm. These principles broaden the understanding of protection beyond the punishment of perpetrators. From this perspective, victim protection encompasses confidentiality, medical assistance, psychological recovery, educational continuity, restitution, and social reintegration. The analysis therefore positions victim welfare as a multidimensional objective connecting legal protection with dignity, recovery, education, and future welfare (Ali, 2014). The *Maqashid al-Shariah* framework consequently strengthens the normative interpretation of child protection by emphasizing the preservation of fundamental human interests alongside formal legal accountability.

The analysis of the legal and conceptual materials identifies several issues that are relevant to the implementation of child protection policies, particularly unequal power relations, institutional dependency, patriarchal norms, victim blaming, stigma, reporting barriers, and fragmented institutional coordination. Because these issues are not derived from interviews, surveys, or direct institutional observation in the present study, they are not treated as empirical findings concerning the actual condition of particular educational institutions. Rather, they represent normative issues and implementation risks identified through the legal framework and the scholarly literature reviewed in this study.

Previous literature indicates that educational institutions may present different forms of vulnerability because their authority structures, residential arrangements, academic relationships, and reporting environments are not identical. Schools, pesantren, and higher education institutions therefore require institutional mechanisms that respond to their respective organizational contexts while maintaining common standards of child protection. The digital environment introduces an additional dimension of protection because sexual exploitation may involve grooming, manipulation, sexualized communication, and the circulation of intimate material, as discussed in the literature reviewed in the study. On the basis of the normative analysis, the implementation framework should therefore encompass accessible reporting mechanisms, confidentiality, institutional accountability, trained personnel, inter-agency coordination, digital safety, and continuous victim support. These elements are presented as **normative implications of the legal and conceptual analysis**, rather than as evidence that the current system has uniformly achieved or failed to achieve them. The distinction is important because the present study evaluates legal norms and scholarly materials rather than measuring implementation through primary field data. the relationship among positive law, educational regulation, *Fiqh Siyasaḥ*, *Maqashid al-Shariah**, and institutional protection is synthesized in Table

1. Synthesis of Normative Findings

Dimension	Normative Finding	State and Institutional Responsibility	Protection Implication
Positive law	Law No. 35 of 2014 and Law No. 12 of 2022 establish a legal framework for protection against sexual violence.	Establish legal standards for prevention, enforcement, protection, restitution, and recovery.	Child protection constitutes a continuing legal responsibility.
Educational regulation	Permendikdasmen No. 6 of 2026 expands educational safety to physical, psychological, sociocultural, spiritual, and digital dimensions.	Integrate safety and protection into institutional governance and educational practice.	Prevention extends beyond individual incident handling toward institutional safety.
<i>Fiqh Siyazah</i>	<i>Amanah</i> , justice, <i>al-maslahah al-ammah</i> , and <i>siyazah dusturiyah</i> , <i>tanfidziyah</i> , and <i>qadha'iyah</i> conceptualize public authority as a protective responsibility.	Formulate, implement, supervise, and enforce protection policies within the respective functions of public authority.	State authority is normatively directed toward accountability, justice, and protection.
<i>Maqashid al-Shariah</i>	Hifz al-nafs, <i>hifz al-'irdh</i> , <i>hifz al-'aql</i> , and <i>hifz al-nasl</i> identify fundamental interests requiring protection.	Protect life, dignity, psychological integrity, educational development, and future welfare.	Victim welfare constitutes an integral dimension of justice and protection.
Institutional implementation	Educational institutions have different authority structures and organizational contexts that require context-sensitive protection mechanisms.	Adapt prevention, reporting, protection, and accountability mechanisms to institutional characteristics while maintaining common legal standards.	Accessibility, confidentiality, institutional accountability, and prevention should be incorporated into educational governance.
Structural and digital risks	The legal and scholarly materials identify power asymmetry, stigma, reporting barriers, fragmented services, and digital exploitation as relevant protection issues.	Strengthen institutional capacity, coordination, digital safety, and mechanisms for victim protection.	Formal legal rights require accessible mechanisms and institutional arrangements for their realization.

The findings demonstrate a normative continuity between Indonesian positive law and *Fiqh Siyazah* in conceptualizing child protection as a responsibility of public authority. Positive law establishes binding obligations concerning prevention, protection, enforcement, restitution, and rehabilitation, while *Fiqh Siyazah* provides a normative framework grounded in *amanah*, *al-maslahah al-ammah**, and the functions of *siyazah dusturiyah*, *tanfidziyah*, and *qadha'iyah*. *Maqashid al-Shariah* further expands the protection framework by emphasizing the preservation of life, dignity, psychological integrity, education, and future welfare. The synthesis indicates that

protection against sexual violence should therefore be understood not solely as a matter of criminal prosecution but as an integrated responsibility encompassing prevention, institutional accountability, victim protection, recovery, and restoration of rights. This integrated normative framework provides the basis for strengthening the interpretation of state responsibility and child welfare within educational institutions.



Discussion (مناقشة)

Legal Protection, State Responsibility, and Fiqh Siyasah

The findings demonstrate that Indonesia's child protection framework has developed from a general protection-oriented approach toward a more comprehensive regulatory system encompassing prevention, enforcement, victim protection, and recovery. Law No. 35 of 2014 provides the foundational legal basis for child protection, including within educational environments, while Law No. 12 of 2022 introduces more specific mechanisms for addressing sexual violence. This regulatory development indicates an important shift in the conception of state responsibility: the state is no longer responsible only for responding to violations after they occur but is also required to prevent violence, ensure institutional accountability, protect victims during legal and administrative processes, and facilitate recovery. The critical issue emerging from the findings, therefore, is not primarily the absence of legal norms, but the extent to which those norms are translated into accessible, consistent, and effective institutional protection. The distinction between formal and substantive protection becomes particularly significant because the existence of legislation does not automatically guarantee that victims can safely report violence, obtain appropriate services, or continue their education without retaliation and stigma.

This finding provides a critical extension to the understanding of state responsibility in child protection. A regulatory framework may appear comprehensive at the normative level while remaining incomplete at the implementation level when institutional actors lack capacity, independence, coordination, or accountability. The findings consequently suggest that the effectiveness of child protection should be assessed through the relationship between legal entitlement and the actual ability of children and victims to exercise that entitlement. Such an approach moves the analysis beyond a description of statutory development toward an examination of the implementation gap between law in the books and law in action. The contribution of this study lies in identifying that gap as a central dimension of state responsibility and in connecting it to the institutional conditions through which protection is experienced by victims.

Perspective of *Fiqh Siyasah* provides a normative and institutional explanation for why child protection constitutes a continuing responsibility of public authority. The principle of *amanah* conceptualizes authority as a trust that must be exercised through justice, protection, and the realization of public welfare. This principle has analytical significance because it limits the legitimacy of institutional authority when such authority is exercised primarily to preserve institutional interests rather than to protect vulnerable individuals. *Siyasah dusturiyah* corresponds to the formulation of legal norms, *siyasah tanfidziyah* corresponds to administrative and institutional implementation, and *siyasah qadha'iyah* corresponds to judicial accountability and remedies. The three dimensions demonstrate that state responsibility cannot be reduced to legislative activity because the protection mandate must operate continuously from norm formulation to implementation and adjudication.

The application of these three dimensions reveals an important analytical distinction between the existence of authority and the accountability of authority. Legal norms may establish rights, but institutional actors determine whether those rights become practically accessible.

Administrative mechanisms may provide reporting procedures, but their protective value depends upon confidentiality, independence, professional competence, and protection against retaliation. Judicial mechanisms may provide remedies, but access to justice can remain limited when victims face social stigma, institutional pressure, or educational disruption. The concept of *amanah* therefore functions not merely as a religious justification for state intervention but as a normative standard for evaluating how authority is exercised. The study contributes to the *Fiqh Siyasa* literature by positioning child protection within a continuous accountability framework in which legislative, administrative, and judicial responsibilities are interconnected.

Educational institutions occupy a strategically important position within this governance structure because institutional authority directly influences students' access to protection and justice. Schools, pesantren, and higher education institutions have different organizational structures and patterns of authority, yet all involve relationships in which educational actors may influence reporting behavior and institutional responses. Schools require child-centered mechanisms that recognize children's dependence on adults, while pesantren require safeguards that take account of residential arrangements, religious authority, and the close relationship between educators and students. Higher education institutions present a different configuration of vulnerability because academic dependency may involve grades, supervision, research opportunities, recommendations, scholarships, and career development. These differences demonstrate that a uniform protection principle cannot necessarily be implemented through identical procedures across all educational settings.

The finding concerning institutional differentiation extends the discussion (Hasan 2025), which emphasizes the significance of *amanah* in understanding educational authority as a responsibility for student welfare rather than unrestricted institutional power. The present study develops this argument by demonstrating that *amanah* must also be translated into concrete institutional safeguards that correspond to different forms of dependency and vulnerability. The novelty does not lie in proposing separate protection principles for each type of institution, but in demonstrating that a common normative standard of accountability requires context-specific operational mechanisms. A common protection standard can therefore be maintained while reporting procedures, oversight arrangements, risk assessment, and victim-support mechanisms are adapted to the characteristics of schools, pesantren, and higher education institutions.

Maqashid al-Shariah, Victim Welfare, and Institutional Protection

Maqashid al-Shariah strengthens the analysis of victim protection by shifting attention from formal legal accountability toward the substantive objectives that law is intended to realize. *Hifz al-nafs* requires protection of physical and psychological integrity, while *hifz al-'irdh* emphasizes dignity, privacy, honor, and personal integrity. *Hifz al-'aql* highlights psychological recovery and the preservation of educational development, while *hifz al-nasl* connects protection with the welfare of future generations. Sexual violence may simultaneously undermine these dimensions, which means that prosecution alone cannot adequately represent the full consequences of victimization. A protection framework that measures success primarily through reporting, investigation, and punishment risks overlooking whether victims remain safe, regain educational stability, receive psychological support, and recover their dignity.

The implications of this finding are particularly important for evaluating the meaning of justice. Criminal accountability represents an important component of protection, but it does not exhaust the state's obligation toward victims. Safety, confidentiality, medical assistance, psychological services, restitution, educational continuity, and social reintegration should be understood as interconnected dimensions of substantive protection. The *Maqashid* framework consequently provides a basis for evaluating whether legal and institutional interventions actually reduce the harm experienced by victims. The study's contribution is to use *Maqashid* not

merely as a normative affirmation of the importance of human welfare, but as an analytical framework for identifying dimensions of protection that may remain invisible when effectiveness is measured exclusively through legal proceedings.

Victim welfare provides a practical criterion for assessing whether state responsibility has been substantively fulfilled. A protection system cannot be regarded as sufficiently responsive when victims remain exposed to retaliation, stigma, institutional pressure, or repeated barriers to essential services despite the existence of formal legal protections. Restitution and rehabilitation should therefore operate as integral components of recovery rather than as secondary measures that receive attention only after the criminal process has concluded. Educational continuity is particularly significant because institutional responses may unintentionally create secondary harm when victims are transferred, excluded, stigmatized, or forced to interrupt their education (Jiang & Chen, 2023). The protection of victims consequently requires coordination among educational institutions, health services, social services, law enforcement agencies, families, and relevant religious institutions.

The argument concerning educational continuity places continuity of education within a broader framework of state responsibility and *Maqashid al-Shariah*. The issue is not simply whether victims receive services after violence occurs, but whether institutional intervention prevents the response itself from producing additional disadvantage. This distinction is important because a formally available remedy may remain substantively inadequate if accessing that remedy results in educational exclusion, social isolation, or further psychological harm. The principle of *al-maslahah al-ammah* becomes operationally meaningful when public policy is evaluated according to its capacity to protect the concrete welfare, dignity, and developmental interests of victims rather than solely according to procedural compliance.

The findings concerning structural and cultural barriers further demonstrate that legal rights cannot be separated from the power relations within which those rights are exercised. Unequal power relations may increase the perceived cost of disclosure, particularly when an alleged perpetrator controls academic opportunities, accommodation, religious guidance, institutional resources, or other interests on which victims depend (Kim, 2011). Victim blaming and institutional concerns regarding reputation may reinforce informal responses that prioritize institutional stability over victim protection. The resulting problem is therefore not simply a lack of awareness of legal rights but an unequal distribution of power that can determine whether those rights are practically exercisable. Concerning power relations is strengthened by the present findings because institutional dependency emerges as a mechanism through which formal protection may be weakened. The study identifies that reporting mechanisms must address not only the availability of channels but also the conditions under which those channels are used. Confidentiality, protection against retaliation, conflict-of-interest management, independent case handling, and professional support become essential because victims may otherwise be required to report violence through the same institutional hierarchy that generates their vulnerability. The principles of *hifz al-'irdh* and *al-maslahah* provide a normative basis for rejecting responses that subordinate victim safety and dignity to institutional reputation.

The implementation of *amanah* becomes visible precisely at this point. Institutional authority reflects *amanah* when it reduces vulnerability, facilitates safe disclosure, protects victims from retaliation, and ensures that institutional interests do not override the rights of those under its authority. The concept therefore provides a critical standard for examining institutional accountability rather than functioning only as a general ethical principle. This interpretation distinguishes the present study from approaches that primarily conceptualize child protection through legal compliance. The findings indicate that accountability must also be assessed through the distribution and exercise of institutional power.

Integrated Protection, Digital Safety, and Policy Implications

Digital sexual violence expands the scope of educational protection because harmful interactions are no longer confined to physical institutional spaces. Grooming, manipulation, coercive communication, and the circulation of intimate material create pathways through which sexual exploitation can occur across institutional and geographical boundaries. The inclusion of digital safety within the contemporary educational regulatory framework therefore reflects a transformation in the nature of institutional risk. Educational institutions cannot adequately fulfill their protective responsibilities when their conception of safety remains limited to physical environments. The principle of *saddu al-dzari'ah* offers an important analytical contribution to this changing risk environment because it emphasizes the prevention and reduction of pathways that may facilitate harm before the harm becomes more serious. Digital literacy, privacy protection, recognition of grooming, evidence preservation, and accessible reporting should consequently be treated as elements of institutional prevention rather than supplementary technological skills.

The application of *saddu al-dzari'ah* must nevertheless remain proportionate because excessive preventive control may itself create risks by unnecessarily restricting children's privacy, participation, and legitimate access to technology. The preventive principle is therefore most relevant when it is combined with proportionality, victim autonomy, and rights-based protection. The integration of digital safety into the protection framework extends the earlier discussion of institutional accountability by demonstrating that institutional responsibility must adapt to changing forms of vulnerability. Traditional institutional safeguards often assume that harm occurs within identifiable physical spaces and can be managed through direct supervision. Digital sexual violence challenges this assumption because perpetrators, victims, evidence, and harmful interactions may exist across multiple institutional and technological environments. The contribution of the present study lies in incorporating digital prevention into the broader framework of *amanah*, *Maqashid al-Shariah*, and state responsibility, thereby connecting contemporary technological risks with established principles of Islamic governance.

The integrated findings support a protection model structured around prevention, institutional accountability, victim-centered justice, and sustainable recovery. Prevention requires legal education, risk identification, institutional supervision, digital safety, and awareness among students, families, and educational personnel. Institutional accountability requires clearly defined responsibilities, trained personnel, accessible reporting channels, confidentiality, independent case handling, and effective oversight. Victim-centered justice requires protection from retaliation, legal assistance, restitution, fair treatment, and recovery services throughout the response process. Sustainable recovery requires medical, psychological, social, educational, and appropriate spiritual support that remains available beyond the formal conclusion of legal proceedings.

The significance of this model lies in its integration of dimensions that are frequently treated separately. Positive law establishes enforceable rights and institutional obligations, *Fiqh Siyasa* explains why public and institutional authority must be exercised as *amanah*, while *Maqashid al-Shariah* provides substantive criteria for evaluating whether those obligations actually protect life, dignity, intellect, and future generations. The resulting framework therefore moves beyond a linear understanding of protection in which prevention, enforcement, and recovery are treated as separate stages. The findings instead demonstrate that these dimensions are mutually dependent: weak prevention increases exposure to violence, weak institutional accountability undermines reporting, inadequate victim protection may discourage access to justice, and inadequate recovery may reproduce the consequences of violence through educational and social disruption.

The theoretical contribution of the study lies in integrating positive law, *Fiqh Siyasa*, and

Maqashid al-Shariah within a single analytical framework for examining state responsibility and victim welfare. Positive law establishes enforceable rights and institutional obligations, *Fiqh Siyasad* conceptualizes public authority as *amanah*, and *Maqashid al-Shariah* provides substantive objectives concerning life, dignity, intellect, and future generations. This integration addresses the gap between formal legal protection and the practical conditions required for substantive safety (Hussain & Ahmed, 2025). The study consequently develops the discussion beyond the question of whether protective norms exist by asking whether institutional arrangements enable those norms to produce meaningful protection. Normative objectives of Islamic legal thought with the institutional mechanisms through which protection is implemented. The present study demonstrates that the relationship between positive law and Islamic legal principles is not merely complementary at the level of values. Their integration can also provide an analytical framework for examining implementation: positive law identifies institutional obligations, *Fiqh Siyasad* evaluates the exercise of authority and accountability, and *Maqashid al-Shariah* evaluates the substantive consequences of institutional action for victims. This three-dimensional framework constitutes the principal theoretical contribution of the study.

The findings further demonstrate that institutional protection must account for differences among schools, pesantren, and higher education institutions while maintaining common principles of accountability, victim protection, and access to justice. This contextualization represents an additional contribution because institutional vulnerability does not take a uniform form. The dependency of a child on teachers and caregivers, the residential and religious authority structures within pesantren, and the academic and professional dependencies within higher education require differentiated mechanisms of prevention and response. A protection framework becomes more effective when institutional variation is recognized without weakening the common standard of victim rights.

Policy implementation should consequently emphasize institutional capacity, independent reporting, professional training, coordinated services, digital prevention, restitution, rehabilitation, and educational continuity. These measures should not be understood as isolated administrative requirements but as practical manifestations of *amanah*, *al-maslahah al-ammah*, and the objectives of *Maqashid al-Shariah*. The central implication of the study is that child protection becomes substantively meaningful when legal authority, institutional accountability, and victim welfare operate as an integrated system. The study therefore positions child protection not merely as a statutory obligation but as a continuing responsibility of public authority directed toward justice, dignity, and the realization of *al-maslahah al-ammah*.



Conclusion (خاتمة)

The study concludes that Indonesia has established a comprehensive legal framework for protecting children from sexual violence in educational institutions, covering child protection, prevention, victim protection, restitution, rehabilitation, and educational safety. The main finding is that the central challenge lies not primarily in the availability of legal norms, but in the gap between formal legal protection and substantive institutional implementation. This gap is reflected in unequal power relations, cultural stigma, reporting barriers, institutional accountability, digital risks, and the need for coordination among relevant institutions. Effective protection therefore depends on the extent to which existing legal obligations are translated into accessible, safe, and accountable institutional practices.

Theoretically, the study contributes an integrated framework connecting positive law, state responsibility, *Fiqh Siyasad*, and *Maqashid al-Shariah*. *Fiqh Siyasad* positions child protection as an

amanah of public authority, requiring the exercise of power through justice, accountability, and *al-maslahah al-ammah*. *Maqashid al-Shariah* further provides substantive objectives through *hifz al-nafs*, *hifz al-'irdh*, *hifz al-'aql*, and *hifz al-nasl*, which emphasize the protection of physical safety, dignity, psychological integrity, educational development, and future well-being. The integration of these perspectives demonstrates that legal protection should be assessed not only through the existence of formal rules but also through their capacity to provide substantive protection and victim welfare.

The policy implications of the findings are directed toward strengthening implementation rather than merely expanding regulation. Educational institutions should establish accessible and independent reporting mechanisms, strengthen confidentiality and protection against retaliation, develop professional institutional capacity, provide victim-centered support, and integrate digital safety into prevention efforts. The state should strengthen institutional oversight, inter-agency coordination, restitution and rehabilitation mechanisms, and the consistent implementation of existing legal obligations. Such measures are necessary to ensure that the legal framework is translated into institutional practices that protect the safety, dignity, recovery, and educational continuity of victims. Sustainable child protection consequently requires the alignment of legal obligations, accountable institutional authority, and substantive victim welfare.



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