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# Juridical Analysis of Law Enforcement of Sexual Violence Against Children in Islamic Boarding Schools: A Case Study at Darul Mukhlisin Islamic Boarding School, Temulus, Ngawi

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## Abstract

The crime of sexual violence against children is a serious crime that threatens the dignity and dignity of humanity, so it deserves to be categorized as a crime against humanity. This research was conducted with a normative legal approach, which focuses on the analysis of secondary data in the form of related laws and regulations, court decisions, and relevant academic literature sources. The purpose of this study is to analyze law enforcement against cases of sexual violence against children in the pesantren environment, with special emphasis on cases at the Darul Mukhlisin Islamic Boarding School in Temulus, Ngawi. Normative legal research is used, which is supported by a juridical-qualitative approach. Secondary data consists of laws and regulations, court decisions, and related legal literature.

*Keywords: sexual violence, children, pesantren, law enforcement, juridical analysis*

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## 1. Introduction

Sexual violence against children is a very serious type of crime that causes physical and psychological harm to victims and threatens the future of the next generation. According to Article 28B paragraph (2) of the 1945 Constitution, which states that "Every child has the right to survival, growth, and development and the right to protection from violence and discrimination," the state has a constitutional responsibility to protect children from all forms of violence.

Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection regulates child protection specifically, with Article 76D stating that "Everyone is prohibited from committing violence or threats of violence forcing a child to have intercourse with him or with another person." Article 81 of the same law stipulates criminal sanctions for violations involving a maximum fine of Rp5 billion and imprisonment for a minimum of 5 years and a maximum of 15 years. Ironically, cases of sexual violence against children now occur not only in public places, but also in places that should provide protection and moral education, such as Islamic boarding schools. In the national education system, the pesantren environment plays an important role in shaping the religious character of students. However, sexual violence in this context harms religious institutions and victims as a whole. The case at the Darul Mukhlisin Islamic Boarding School, Temulus, Ngawi shows that there is an inequality between law enforcement practices in the field and legal norms in dealing with perpetrators of sexual violence.

In addition, Law Number 18 of 2019 concerning Islamic Boarding Schools clarifies the importance of cooperation between religious education institutions, law enforcement agencies, and the community in

preventing and handling sexual violence against children. This law only provides a clear legal status for Islamic boarding schools as religious educational institutions, but it has not detailed the mechanism for supervision and law enforcement in the event of criminal violations in their environment.

A clear example of the complexity of this problem is the case of sexual violence that occurred at the Darul Mukhlisin Islamic Boarding School in Temulus Village, Ngawi Regency. In addition to the power relationship between perpetrators and victims, social pressure and fear of stigma and shame often deter victims and their families from reporting. In contrast, law enforcement systems are often slow and even often neglect victim protection.

Using a case study from the Darul Mukhlisin Islamic Boarding School in Temulus, Ngawi, this study aims to analyze juridically law enforcement of cases of sexual violence against children in the pesantren environment. In addition, this study investigates how criminal law is applied and protects child victims in accordance with applicable laws, as well as the role of society and legal institutions in upholding justice.

## 2. Methodology

This research is normative legal research, which means that research is conducted by analyzing the principles written in relevant laws, principles, and legal theories. This method is used to gain an understanding of how the law should regulate and enforce cases of sexual violence against children in the pesantren environment.

Several methods were used in this study, for example:

- a) The Legislative Approach, or the Legal Approach, evaluates the applicable legal provisions, especially those related to sexual violence against children, child protection, and the criminal justice system.
- b) Case Approach: This case study investigates a case of sexual violence at the Darul Mukhlisin Islamic Boarding School in Temulus, Ngawi. The case has been reported to the police and is currently in legal proceedings.

Legal concepts such as child protection, restorative justice, and the legal responsibility of faith-based educational institutions are discussed through a conceptual approach.

This research uses three types of legal materials:

1. Primary legal materials, namely laws and regulations such as:
  - a) Constitution 1945
  - b) Law No. 35 of 2014 concerning Child Protection
  - c) Law No. 12 of 2022 concerning the Crime of Sexual Violence
  - d) Criminal Code (KUHP)
  - e) Law No. 18 of 2019 concerning Islamic Boarding Schools
  - f) Related implementing regulations
2. Secondary legal materials, in the form of scientific literature, journal articles, research results, and opinions of legal experts relevant to the topic.
3. Tertiary legal materials, such as legal dictionaries and legal encyclopedias, are used to support the understanding of terms and concepts.

The collection of information related to the law is carried out through, literature studies including books, scientific journals, laws and regulations, official documents, and court decisions as well as analysis of news

and public documents regarding cases of sexual violence that are being researched at Islamic boarding schools.

### 3. Results and Discussion

#### Chronology and Case Facts

A caretaker of an Islamic boarding school with the initials AUR (53) was involved in a case of sexual violence at the Darul Mukhlisin Islamic Boarding School in Temulus Hamlet, Kedungharjo Village, Mantingan District, Ngawi Regency. According to media reports and statements from the Ngawi Police, this incident occurred in 2022 when the victim, a 17-year-old male student.

The victim voluntarily reported the incident to his family, who then reported it to the Ngawi Police Station on March 17, 2025. AUR was named as a suspect and detained on March 24, 2025 after a preliminary investigation and examination. Screenshots of electronic conversations between the perpetrator and the victim corroborated the alleged criminal act of obscenity.

Field Research Data: Case Study of Darul Mukhlisin Islamic Boarding School, Ngawi

Case Identity:

- Perpetrator: AUR (53), a caretaker of an Islamic boarding school.
- Victim: Male student, 17 years old at the time of the incident.
- Location: Darul Mukhlisin Islamic Boarding School, Temulus Hamlet, Kedungharjo Village, Mantingan District, Ngawi Regency.

Chronology of Events:

- The victim's family first found out about the abuse that occurred in 2023, but it wasn't until March 17, 2025 that they reported it.
- On March 24, 2025, the Ngawi Police PPA Unit designated AUR as a suspect
- The evidence taken included recordings of the perpetrator's conversations that showed molestation.

This data is the main basis for juridical analysis to assess the effectiveness of law enforcement and child protection systems in the pesantren environment.

#### Juridical Analysis of Its Law Enforcement

##### 1. Handling of Legal Processes by Law Enforcement Officers

The Ngawi police, through the Women and Children Protection Unit (PPA), immediately responded to the victim's report. After the initial evidence was sufficiently stated, the perpetrator was immediately detained. This is an example of the implementation of the principle of "due process of law" that benefits the victim. This treatment follows:

- a) Article 76D jo. Article 81 paragraphs (1) and (3) of Law No. 35 of 2014 concerning Child Protection.
- b) Articles 6 and 15 of Law No. 12 of 2022 concerning the Crime of Sexual Violence.

The perpetrator as an educator has a power relationship with the victim, so he can be subject to criminal charges as stipulated in Article 81 paragraph (3) of the Child Protection Law.

## 2. Responsibilities of Islamic Boarding Schools

It is important for Islamic boarding schools, as religious-based educational institutions, to create a safe and non-violent atmosphere. Although Law No. 18 of 2019 concerning Islamic Boarding Schools does not explicitly regulate sexual violence, it includes the principles of morality and morals that must be upheld by all Islamic boarding school residents.

However, there are no reports that the pesantren institutionally took preventive or protective measures against the victims in this case. This shows a lack of internal oversight and a lack of awareness about child protection in faith-based institutions.

### **Visit of the Directorate of Children's Social Rehabilitation: Government Present for Victims**

As reported by Gempurnews, a team from the Directorate of Child Social Rehabilitation of the Ministry of Social Affairs of the Republic of Indonesia visited the PPA Unit of the Ngawi Police on April 10, 2025. The main objectives of this visit are as follows:

- a) Ensure that the legal process runs fairly and in favor of the victim;
- b) Evaluate the social and psychological condition of the victim;
- c) Increase inter-agency cooperation in protecting the rights of child victims of violence.

In addition, the team emphasized the importance of cross-sectoral cooperation between law enforcement agencies, the Social Service, and the Women and Children Protection Unit (PPA) to provide protection, psychological care, and ongoing recovery care for victims.

The presence of the central government through the Ministry of Social Affairs shows the implementation of Articles 59 and 59A of the Child Protection Law, which regulates the special protection of children victims of violence, and Article 67 of the TPKS Law, which mandates multi-stakeholder cooperation in fulfilling the rights of victims.



**Figure. 1 Visit of the Directorate of Children's Social Rehabilitation Team to the Ngawi Police PPA**

### **Challenges and Evaluation of Handling in the Islamic Boarding School Environment**

Although legal action and government intervention are underway, the observational findings suggest that there are important issues that have not been resolved:

- a) There is no internal protection system in Islamic boarding schools;
- b) There is a strong power relationship between the perpetrator (caregiver) and the victim (santri), which makes it difficult for reporting to occur independently;
- c) There are no regulations made after Law No. 18 of 2019 concerning Islamic boarding schools regarding child protection and prevention of sexual violence.

This case shows how important policies centered on child protection are in religious educational institutions. While it is important to prevent and teach children to avoid violence in Islamic boarding schools, law enforcement against perpetrators is also important.

The results of the study show that this case normatively meets the characteristics necessary for the crime of sexual violence against children:

- a) The perpetrator and the victim are legal subjects of the Child Protection Law and the TPKS Law;
- b) The actions of the perpetrators show signs of obscene acts and abuse of power;
- c) Electronic conversations, or digital evidence, are considered valid as evidence in criminal evidence.

However, at the implementation level, the success of law enforcement depends heavily on the victim's courage to report and the quick response of law enforcement. In this case, the speed of law enforcement actions and the government's involvement suggest that the direction of child criminal law reform is underway.

#### **4. Conclusion and Recommendations**

##### **Conclusion**

In connection with the case of sexual violence against children at the Darul Mukhlisin Islamic Boarding School in Temulus, Ngawi, it can be concluded that:

1. As stipulated in Law No. 35 of 2014 concerning Child Protection and Law No. 12 of 2022 concerning the Crime of Sexual Violence (TPKS), the crime of sexual violence against children committed by the caregiver of the pesantren has a criminal element.
2. The authorities of the PPA Unit of the Ngawi Police have followed legal procedures and responded quickly to the victim's report. The determination and detention of suspects shows that law enforcement is not hindered by the social or religious status of the perpetrator.
3. The presence of the Directorate of Child Social Rehabilitation of the Ministry of Social Affairs of the Republic of Indonesia, the central government, is a positive step in ensuring that victims receive protection and recovery. This shows the responsibility of the state to provide special protection to the child.
4. Sexual violence is still a major problem in Islamic boarding schools, mainly due to the lack of adequate internal protection systems, lack of institutional oversight, and a growing culture of silence.

##### **Recommendations**

1. The government and the Ministry of Religious Affairs must immediately draft technical regulations that follow the Islamic Boarding School Law that explicitly regulate child protection, parenting standards, and how to report sexual violence in the Islamic boarding school environment.
2. As a religious educational institution, Islamic boarding schools must have a child protection system in them, such as a complaint unit, standard procedures for handling cases of violence, and training of caregivers and students on children's rights and sexual violence.
3. In order for the legal process, victim protection, and rehabilitation to be carried out comprehensively and sustainably, synergy between agencies such as the police, social services, and child protection institutions must be strengthened. It is very important to provide legal education and counseling to the community, especially the pesantren community, to increase awareness of children's rights and remove the culture of silence against violence.

## 5. References

- [1] Hadjon, Philipus M. 1987. *Perlindungan Hukum Bagi Rakyat di Indonesia: Sebuah Studi tentang Prinsip-Prinsipnya, Penanganannya oleh Peradilan dalam Lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi Negara*. Surabaya: Bina Ilmu.
- [2] Mertokusumo, Sudikno. 2006. *Penemuan Hukum: Sebuah Pengantar*. Yogyakarta: Liberty.
- [3] Rahardjo, Satjipto. 2009. *Ilmu Hukum*. Bandung: Citra Aditya Bakti.
- [4] Soesilo, R. 1981. *Kitab Undang-Undang Hukum Pidana (KUHP) serta Komentar-komentarnya Lengkap Pasal demi Pasal*. Jakarta: Politeia.
- [5] Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- [6] Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak.
- [7] Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual.
- [8] Undang-Undang Nomor 18 Tahun 2019 tentang Pesantren.
- [9] Peraturan Pemerintah Nomor 78 Tahun 2021 tentang Perlindungan Khusus bagi Anak.
- [10] Permendikbudristek Nomor 46 Tahun 2023 tentang Pencegahan dan Penanganan Kekerasan di Satuan Pendidikan.
- [11] AINews. 2025. "Pengasuh Ponpes di Ngawi Diduga Lakukan Pencabulan, Kini Ditahan Polisi." AINews.id, 27 Maret 2025. <https://ainews.id/2025/03/27/pengasuh-ponpes-di-ngawi-diduga-lakukan-pencabulan-kini-ditahan-polisi/>
- [12] Harian7. 2025. "Tim Direktorat Rehabilitasi Sosial Anak Kunjungi Ngawi: Pastikan Proses Hukum dan Dampak Sosial Terpantau." Harian7.com, April 2025. <https://harian7.com/2025/04/tim-direktorat-rehabilitasi-sosial-anak-kunjungi-ngawi-pastikan-proses-hukum-dan-dampak-sosial-terpantau.html>
- [13] Gempur News. 2025. "Kunjungan Tim Direktorat Rehabilitasi Sosial Anak ke PPA Polres Ngawi." Gempurnews.com, 10 April 2025. <https://www.gempurnews.com/2025/04/10/kunjungan-tim-direktorat-rehabilitasi-sosial-anak-ke-ppa-polres-ngawi/>