

Legal Protection for Child Victims of Sexual Abuse in Palopo City: Islamic Criminal Law Perspective

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Abstract:

The purpose of this study was to explore legal protection for child victims of sexual violence in the city of Palopo from the perspective of Islamic criminal law. The research method used was qualitative with interview and observation data collection techniques. The results of the study found that sexual violence against children in the city of Palopo as consisting of two parts, namely: verbal violence in the town of Palopo as obtained by researchers amounted to 17 (seventeen) cases, and physical violence against children in LPPA Luwu Raya in 2022/2023 proved 12 (twelve) cases, namely 9 (nine) cases of immorality in the form of rape that had an impact on the physical. The form of legal protection for child victims of sexual violence has been implemented to obtain protection for the security of their person, family, and property and be free from threats from any party. In addition, in this case, the victim of sexual violence was not exposed as with other crimes. The results of these two studies explain that the Islamic legal view on sexual harassment of children does not have clear rules and provisions regarding legal sanctions in detail. So the

implication of the legal provisions becomes a matter of *ijtihad* of scholars or the government that will produce legal provisions by referring to the legal requirements in the Qur'an and hadith. In another perspective, perpetrators of sexual harassment will be handed over to the judge or government who has the right to decide the case.

Tujuan dari penelitian ini adalah untuk mengeksplorasi perlindungan hukum bagi anak korban kekerasan seksual di kota Palopo dari perspektif hukum pidana Islam. Metode penelitian yang digunakan adalah kualitatif dengan teknik pengumpulan data wawancara dan observasi. Hasil penelitian menemukan bahwa kekerasan seksual terhadap anak di Kota Palopo yang terdiri dari dua bagian, yaitu: kekerasan verbal di Kota Palopo yang diperoleh peneliti berjumlah 17 (tujuh belas) kasus, dan kekerasan fisik terhadap anak di LPPA Luwu Raya tahun 2022/2023 membuktikan 12 (dua belas) kasus, yaitu 9 (sembilan) kasus amoralitas berupa pemerkosaan yang berdampak pada fisik. Bentuk perlindungan hukum bagi anak korban kekerasan seksual telah diterapkan untuk mendapatkan perlindungan terhadap keamanan pribadi, keluarga, dan harta bendanya serta bebas dari ancaman dari pihak manapun. Selain itu, dalam kasus ini, korban kekerasan seksual tidak terekspos seperti halnya kejahatan lainnya. Hasil dari kedua penelitian ini menjelaskan bahwa pandangan hukum Islam tentang pelecehan seksual terhadap anak tidak memiliki aturan dan ketentuan yang jelas mengenai sanksi hukum secara rinci. Sehingga implikasi dari ketentuan hukum menjadi masalah *ijtihad* ulama atau pemerintah yang akan menghasilkan ketentuan hukum dengan mengacu pada persyaratan hukum dalam Al-Qur'an dan hadits. Dalam perspektif lain, pelaku pelecehan seksual akan diserahkan kepada hakim atau pemerintah yang berhak memutuskan kasus tersebut.

Keywords: *Islamic Criminal Law; Sexual Violence; Legal Protection.*

Introduction

Democracy states independence, freedom, and human rights (HAM) in social and state life. HAM are rights that are owned by every human being that is fundamental or inherent to all humans regardless of tribe, race, religion, and certain groups.¹ As stated in the Opening of the 1945 Constitution of the Republic of Indonesia (UUD), "independence is the right of all nations."² And there are

¹Muammar Arafat Yusmad, *Harmoni Hukum di Indonesia*, (Makassar; Akasara Timur, 2015), P. 38.

²Pembukaan Undang-Undang Dasar 1945 alinea pertama

colonizers in all their forms. Colonization can essentially take the form of harassment, violation, seizure, restraint, or forced or arbitrary control over the rights of freedom of others³.

As the next generation of the nation, children have an important role in national development and are required to receive protection from the state in accordance with the provisions of the 1945 Constitution of the Republic of Indonesia, which states that children have the right to protection from violence⁴. This child protection is intended so that a child can be guaranteed in the process of fulfilling his/her rights. On the other hand, this law guarantees that a child is free from violence and discrimination so that he/she can realize the ideals of Indonesian children who have quality, noble morals and are prosperous. In other words, children in Indonesia will be guaranteed their rights to have the opportunity to actualize themselves⁵.

The rapid flow of globalization and the negative impacts of developments in the field of information and communication technology can give rise to new phenomena among children such as sexual violence against children. Sexual violence against children is a serious crime that is increasing day by day and can significantly threaten and endanger the lives of children, damage the personal lives and development of children, and disrupt the sense of comfort, peace, security, and public order.⁶ "Children in and around educational units are required to receive protection from acts of physical violence, psychological violence, sexual crimes, and other crimes committed by educators, education personnel, fellow students, and/or other parties."⁷

Social problems emerge as modern diseases and haunt everyone, for example, dehumanistic acts of violence, looting, a sense of security that is very far from the side of human life, sexual harassment and deviation that is increasingly transparent.⁸ Almost all civilized people, believe that there needs to be regulation or arrangement for the implementation of sexual relations with certain rules. Sexual violence is behavior or actions that disturb or harass carried out by a person or

³Pasal 1 angka 2 Undang Undang Nomor 35 Tahun 2014 tentang Perubahan atas Undang Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak.

⁴Nashriana, *Perlindungan Hukum Pidana (Bagi Anak di Indonesia)*, (cetakan ke-3 Tahun 2014; Jakarta : Rajagrafindo Persada), p. 29.

⁵Maulana Hasan, *Pengantar Advokasi dan Hukum Perlindungan Anak*, (Jakarta : PT. Gramedia Indonesia, 2000), p. 63

⁶Kartini Kartono, *Patologi Sosial 1*, Jakarta: Raja Grafindo Persada, 2003), p. 196-197

⁷Pasal 54 ayat (1) Undang Undang Nomor 35 Tahun 2014 tentang Perubahan atas Undang Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak.

⁸Sentot Haryanto, *Psikologi Sholat*, (Yogyakarta: Mitra Pustaka, 2003,), p 2.

group of people against another party that is directly related to the gender of the party being disturbed and is felt to lower the dignity and self-esteem of the person being disturbed. The term sexual harassment is defined as a criminal act in which an adult touches a minor for sexual gratification, for example rape and others as⁹.

Aprilianda defines verbal sexual violence as speech that is sexually suggestive and is considered to degrade a child's dignity.¹⁰ Marissa explained that physical sexual violence is understood to involve non-consensual physical acts, often involving forced penetration, physical manipulation, and other acts of physical violence that accompany sexual intercourse. In a forensic case, signs of physical violence include lacerations to the lips, bruising to the genital area, and the presence of biological evidence such as semen in a vaginal swab.¹¹ Forms of sexual violence against children have increased the use of digital media during the pandemic, exacerbating digital sexual abuse, such as the spread of erotic images of children, and increasing cases of sexual exploitation on social media. Apart from verbal and physical abuse.

Child sexual abuse can result in both short- and long-term harm to those who experience it. The psychological, emotional, physical and social impacts include depression, post-traumatic stress disorder, anxiety, eating disorders, low self-esteem, personal identity disturbances and anxiety; common psychological disorders such as somatization, neurosis, chronic pain, changes in sexual behavior, school/learning problems; and behavioral problems including substance abuse, self-harm, cruelty to animals, criminality in adulthood and suicide. Specific character patterns of symptoms have not been identified, and there are several hypotheses regarding causal associations.

This incident can hinder children who have potential, shoots, and the young generation who will continue the ideals of the nation's struggle, have a strategic role as human resources for national development, and have special characteristics and traits that guarantee the continued existence of the nation and state in the future from the losses suffered by the victims.¹² Seeing these facts, sexual violence against children has a very large impact so there needs to be a regulation that really

⁹Soerjono Soekanto, *Pokok-Pokok Sosiologi Hukum*, Jakarta : Rajawali Press, 2016), p. 74

¹⁰Nia Shalshabila Audria Nugraha Putri, Nurini Aprilianda, and Faizin Sulistio, "The Urgency of Protection for Women Workers Against Sexual Violence in the Company Environment," *Path of Science* 9, no. 8 (2023): 1030–36, <https://doi.org/10.22178/pos.95-19>.

¹¹Marissa Silooy and A Ratna Sari Dewi, "Mental Accounting : Investors Create Different Accounts for Dividends and Capital Gains," *Jurnal Ekonomi Resource* 5, no. 2 (2022): 272–78.

¹²Jo Wemdo Suyoto dengan judul *Tindak Pidana Pelecehan Seksual Terhadap Perempuan (Studi Kasus Putusan No. 54/Pid.B/2013/Pengadilan Negeri Ambon)* Tesis, (Jakarta: Universitas Bayangkara, 2016), p. 107.

understands how to resolve these cases. Seeing that most laws that discuss sexual violence against children only provide a fine of imprisonment for the perpetrator for a long period of time. Several small aspects are not considered in terms of the environment where victims of child sexual violence live, the identity of the child that is easily known to the public, and efforts to heal trauma that are not yet understood by the community and parents as they should be in order to support victims. Where the supporting roles of trauma relief have been known by the government, community, and parents to restore victims from trauma both from existing regulations and the efforts of the religion they embrace to embrace and assist recovery.

Based on the background that has been explained, the minimal protection provided by the government to children, and the role of religion in protecting children from crimes of sexual violence, the researcher is interested in conducting research in the form of a thesis entitled Legal Protection for Child Victims of Sexual Violence in Palopo City from an Islamic Criminal Law Perspective.

Method

This type of research is empirical qualitative legal research which functions to look at the law by examining how the law works in society and the effectiveness of the law currently in force.¹³ Meanwhile, there are three approaches used, namely sociological, normative, and legal. The sociological approach is useful for studying and finding out legal problems in society and the public's views on existing polemics. The normative approach is to see the laws and rules that are suitable to be applied in society. Meanwhile, the legal approach is used to match the rules in texts that discuss the same topic.

The data collection technique is observation to the research location and interviews with the victim, either the family and the victim directly, as well as the judge in the court handling the child sexual violence case. The conclusion is drawn by interpreting the results of data processing from data reduction and display that were previously carried out.¹⁴ The location of this study was focused on the Districts of East Wara, West Wara, South Wara, Sendana and Bara, Palopo City. The selection of this location is related to the location of the victim. Victims of sexual violence against children in Palopo City throughout 2021 there were 21

¹³Jonaedi Efendi & Johnny Ibrahim, *Metode Penelitian Hukum Normatif dan Empiris* (Jakarta: Kencana, 2016), p 149-150.

¹⁴Noeng Muhajir, *Metode Penelitian Kualitatif*, (Yogyakarta: Rake Sarasen, 1996), p. 104.

reports, 19 cases were completed, 1 in Investigation, one Investigation, 12 P21, 6 RJ, and one investigation stop or A2.

Discussion

Forms of Sexual Violence against Children in Palopo City

a. Verbal Violence

The violence experienced by child victims of sexual violence in the form of verbal violence in Palopo City as obtained by researchers amounted to 17 (seventeen) cases of reports in 2023 that were submitted to the Palopo City Police. This verbal violence is violence experienced by children in the form of threats of rape, or inappropriate words/insults that are indicated as sexual harassment. This type of violence certainly affects the child's mental condition, this is as stated by Andi Fatmawati Syamsuddin that sexual violence in the form of verbal violence that was reported by the Luwu Raya Women and Children Protection Agency, namely the number of reported cases, of course, this violence cannot be underestimated because it is related to the victim's mental health.¹⁵ The cases handled by the Palopo Police are different from the cases that have been fostered by the Palopo City Women's Empowerment and Child Protection Service, as the researcher's investigation found because 5 (five) cases did not want fostering. This is as stated by Ramli that not all cases of sexual harassment in verbal form have been fostered, some have only reported and require protection and do not require further fostering. This is usually by the decision of the family concerned, where they do not need fostering either from the Palopo City Women's Empowerment and Child Protection Service or from LPPA.¹⁶

Meanwhile, based on information from Paluten, he said:

For the 2023 cases, 17 (seventeen) cases had been handled and of these 17, 5 did not require further assistance.¹⁷

The statement provides an illustration that most of the violence or 12 (twelve) cases that entered the P3A service were continued in the assistance process so that it can be said that these cases are concerning cases, while 5 (five) cases are included in the category of minor cases because they do not require assistance.

¹⁵Andi Fatmawati Syamsuddin, *Kepala LPPA Luwu Raya, wawancara* pada tanggal 06 Februari 2024 di Kantor LPPA Luwu Raya.

¹⁶Ramli, *Kepala Dinas Pemberdayaan Perempuan dan Perlindungan Anak Kota Palopo, wawancara* pada tanggal 08 Februari 2024 di Dinas Pemberdayaan Perempuan dan Perlindungan Anak Kota Palopo.

¹⁷Paluten, *Kepala Unit Pemberdayaan Perempuan dan Perlindungan Anak Polres Kota Palopo, wawancara* pada tanggal 06 Maret 2024, di Polres Palopo

Sexual violence in the form of verbal in the city of Palopo is very haunting for victims because they experience disturbances that certainly do not make the victim calm so that it has an impact on the psychology of children who are victims of sexual violence in the form of verbal. If the case is not handled properly, the psychological impact on the victim will increase.¹⁸

According to one of the victims, N (initials), the initial verbal violence experienced began with the perpetrator's persuasion and the promise of a cellphone as a gift on the condition that the victim would follow all the perpetrator's wishes, but when the victim refused, that was when the perpetrator committed verbal violence by threatening and intimidating the victim. When the victim refused the perpetrator's invitation to do something inappropriate.¹⁹

This action makes the victim currently need assistance and protection from the Palopo City Women's Empowerment and Child Protection Service and receive special attention from the Luwu Raya Women and Children Protection Agency. Ironically, based on the development of the case that occurred as experienced by N, it was revealed that the perpetrator was her own biological parent. Several cases in recent years have also revealed that the perpetrator of sexual harassment is someone close to the victim and not someone they just met. Based on the victim's statement, it can be seen that one of the factors causing verbal violence in the city of Palopo is the existence of previously established communication between the perpetrator and the victim of violence, meaning that there is a previously established familiarity so that the perpetrator does not hesitate to commit sexual violence.

b. Physical

From the data in the field that has been obtained, physical violence against children at LPPA Luwu Raya in 2022/2023 proved 12 (twelve) cases, namely 9 (nine) cases of immorality in the form of rape that had an impact on physical. Then in 2022, 2 (two) cases of immorality in the form of rape that had an impact on physical were entered into the Palopo Police and finally in 2023, namely 3 (three) cases of immorality in the form of rape that had an impact on physical which were included in the guidance of the Palopo City Women's Empowerment and Child Protection Service.²⁰ So, if analyzed based on the data above, in the last 3 years, cases of immorality in the form of rape that have an impact on physical health that

¹⁸Andi Fatmawati Syamsuddin, *Kepala LPPA Luwu Raya, wawancara* pada tanggal 06 Februari 2024 di Kantor LPPA Luwu Raya.

¹⁹N (inisial), *Korban kekerasan Seksual verbal, wawancara* pada tanggal 07 Maret 2024 di Kota Palopo.

²⁰Paluten, *Kepala Unit Pemberdayaan Perempuan dan Perlindungan Anak Polres Kota Palopo, wawancara* pada tanggal 06 Maret 2024, di Polres Palopo

are included in the Women's Empowerment and Child Protection of Palopo City in 2023 have decreased.

Internal factors that are the source of child abuse that shape the character of the child, disharmony in the parents' household that causes the child to hesitate and have to choose and seek happiness outside the home in the wrong way. The cause of disharmony in the family influences the formation, development, and character of the child who is the mainstay of good and bad in a society.

The economy is an essential thing in the process of family life. Often there are disputes in the family between father and mother or children and parents because most of the causes are problematic economy in the family. If the members do not think wisely then the economy in the family can have an impact until domestic violence, divorce, inheritance disputes, and even murder, so a wise and clear mindset is needed in responding to problems in the family.

Education becomes a very important thing in the development of children's education is religious education that will shape the character of the child, because a good child grows from good education from both parents. The family is the smallest unit in the life of society and has a big role in the life of the child. The family is a place for the formation of religion, morals and character, while the duties and responsibilities of parents in the family in terms of their children's education are more the formation of religion, character and morals. Skill training such as helping each other, cleanliness, peace of mind, and moral education and the like.

The lack of religious education for families is proven by the existence of 2 reported cases. Education of various children in the womb until their development is the instillation of good and effective character starting from the family environment. This can be found in schools in school devices there are active components of character formation of a child from teachers, friends, and the school environment. The school environment is the formation of character from outside the community that has been instilled by parents. Schools cannot yet be education for early childhood because parents have a more important role than the community in instilling faith, spirituality and instilling noble values. Family and school education should be able to run in balance, so that it will be effective in developing good character from a child from an early age.

Mother is the first institution in a child's life. Education is the main spirit for children, this spirit is the support of the growth and development of the child's life. Parents must prepare the best education for their children even before the child is born into the world. And the father is the leader who directs life who must protect

him until adulthood.²¹. However, in several cases during the time of the companions of the Prophet Muhammad SAW, it is said that the Caliph Umar r.a. once imposed a punishment of flogging on a slave of his who had committed adultery with a girl by forcing her, so that she lost her virginity, so the Caliph Umar lashed him up to 50 (fifty) times, then exiled him for 1 (one) year and he did not flog the girl because she was forced.²².

The example above is a form of physical violence that sometimes occurs through abuse, rape, brawls, and threats. Physical violence against children is more dominant in cases of adults against children. Children are considered to be powerless, weak and indeed very vulnerable to receiving physical violence.

The explanation shows that physical violence against children is indeed more dominantly committed by adults against children who are victims. Children are indeed considered vulnerable to physical violence because they tend to be considered physically weak and have no power to fight back. The forms of physical violence often occur through abuse, rape, threats and physical violence that cause trauma and ultimately have an impact on the psyche. Not only physical, children even experience verbal violence as many as 17 cases according to the 2023 report²³. From these data, it can be seen that reports of physical violence against children at the Palopo City Women's Empowerment and Child Protection Service are very high.

Free association is a negative action that causes mental and psychological damage among children and adolescents. Destructive association among adolescents is free sex and deviant behavior that causes a lot of damage. Increasing free association among children and adolescents because of the free time and uncontrolled association by mothers and fathers in the nuclear family. The cause of physical violence in children is environmental factors (association) of children's playmates both at school and around the house, TV shows or other inappropriate shows watched by children.

The emergence of an attitude of not caring for each other between families is an impact and there is no firm attitude of parents to children. Basically, it goes back to the individual of each child who tends to listen less to what their parents say. The impact of this free association causes children to dare to smoke, drink alcohol,

²¹Darwin Prints, *Hukum Anak Indonesia*, (Edisi Revisi; Bandung : Ciytra Aditya Bakti, 2002), p. 99.

²²Fauzan al-Anshari dan Abdurrahman Madjri menurut Sigman Freud, *Hukuman Bagi Pezina dan Penuduhnya*, (Cet. I; Jakarta: Khoirul Bayan, 2002), p. 13

²³Andi Fatmawati Syamsuddin, *Kepala LPPA Luwu Raya, wawancara* pada tanggal 06 Februari 2024 di Kantor LPPA Luwu Raya.

and take drugs because of this, children are increasingly free and difficult to control by parents, so special awareness and attention from parents to children are needed so that they can be better.

Social Media technological sophistication becomes a challenge in educating the current generation and the family becomes the main place in fixing everything. In this modern era, the danger spread by a child is the ease of accessing the internet on his tiny palms without parental supervision. Lack of awareness and knowledge on methods in educating children (parenting) is a consideration in minimizing the effects of watching videos, films, and images that are not suitable for viewing on social media. Parents have a very important role in preventing children from accessing social media continuously or not viewing other negative sites.

The pornography business on the internet has become a very tempting medium, as evidenced by the Internet Pornography Statistic, which states that the management of the pornography industry has succeeded in taking high revenues from the combined profits obtained from Microsoft, Google, Amazon, eBay, Yahoo, Apple, and Netflix. The pornography business has not increased in terms of production volume, access, sales value, and customer countries.

The damage of this game is because in the game there are shows that should not be seen by children. Games are known for sadism, pornography, and gambling are the reasons that must be protected by parents, families and communities are the reasons why children must be protected from television and games that show images. Violence in online game habits will also hurt children's brain activity and development.

Forms of Legal Protection for Child Victims of Sexual Violence in Palopo City

Child protection is violence that covers important and urgent issues, diverse, and varying levels of tradition and values that apply in society. Violence received by children, whether in the family, community environment, or school is closely related to poverty, social values, norms, and traditions. The development of science and technology triggers violence against children and violations of children's rights.²⁴

Child protection means all forms of guaranteeing and protecting children and their rights so that they can live, grow, develop, and participate optimally by

²⁴H, Makhrus Munajat, *Hukum Pidana Anak di Indonesia*, (Jakarta: Sinar Grafika, 2022), p. 27.

human dignity and honor.²⁵ And get protection from violence and discrimination from parents, families, and society who of course have the responsibility to protect and maintain children's rights by the obligations imposed by law. Child protection efforts need to be implemented as early as possible, namely from the fetus in the womb until the child is 18 (eighteen) years old based on the following principles:

- a. Non-discriminatory²⁶
- b. Best interests of the child
- c. Right to life, survival, and development²⁷
- d. Respect for children's opinions²⁸

Various efforts are made by the state to protect children's rights. Protection of children should not only be partial but must be comprehensive so that in the future there will be no more cases of violations against children.²⁹ As a national asset, children must be saved by the government so that the leadership baton in the future runs smoothly. The basic goal of child protection is to ensure that all parties who are obliged to oversee child protection, including the government, recognize their duties and are able to fulfill these duties. These child protection tasks will run well when the government has the political will to protect this most valuable asset. The government is very urgent in terms of child protection, in addition to families, because the state is the only element that has the authority to enforce the law.

One way to protect children from violence and safeguard children's human rights is through the legal aspect. As the holder of power, the government has the right to issue laws and then enforce the law properly and impartially. As part of the international community, Indonesia must also support various laws that are considered good and guarantee human rights, including the juvenile criminal justice system, and laws that regulate.

Child protection is carried out sociologically and psychologically, which is determined by sociological and psychological factors received by a child. The family and social environment are the main shapers of a child's character and personality because children live and reside in the family room. The family is the main factor in

²⁵Sholeh Soeaidy dan Zulkhair *Dasar Hukum Perlindungan Anak (anak cacat, anak terlantar, anak kurang mampu, pengangkatan anak, pengadilan anak dan pekerja anak)*, (Jakarta : Novindo Pustaka Mandiri, 2001), p. 4.

²⁶M. Nasir Djamil, *Anak Bukan Untuk Dihukum, Catatan Pembahasan UU Sistem Peradilan Pidana Anak (UU-SPPA)*, (Jakarta: Sinar Grafika, 2013), p. 29

²⁷Waluyo, *Hukum Perlindungan Anak*, (Bandung : Mandar Maju, 2009), p. 1.

²⁸H, Makhruh Munajat, *Hukum Pidana Anak di Indonesia*, (Jakarta: Sinar Grafika, 2022), p. 27.

²⁹Maidin Gultom, *Perlindungan Hukum Terhadap Anak Dalam Sistem Peradilan Pidana Anak Di Indonesia*, (Bandung : Refika Aditama, 2014), p.47

the formation of a child's character and the guarantor of child protection because a child's time is spent in the family. Violence is one source of violence against children because it is seen from various problems such as economic, socio-cultural, and traditional. As a poor country, there are still many children who are not protected due to economic and socio-cultural factors.

In addition to family and state, the most important thing in child development is environmental conditions. In the environment, children also spend a lot of time playing, socializing, and behaving. If children are raised in an environment that is not conducive, full of a culture of violence, and does not respect human rights, it will affect children's behavior. Given that family conditions and sociological influences are very important for child development, these two areas must be ensured that they are very harmonious. If family and social conditions are not good, then child development will also be disrupted by not producing a good generation that can be relied on in the future. Children have rights that must be fulfilled by their parents so that they can grow and develop well and their rights are protected.

Islamic Criminal Law Perspective on Legal Protection for Child Victims of Sexual Violence in Palopo City

Abdul Salam Alif, a prominent figure in the Islamic world, is known for his commitment to promoting a culture of non-violent resistance to sexual violence. He was instrumental in establishing the concept of law, which is the principle that guides the practice of sexual law and punishment. The concept of law is rooted in the belief that the Prophet Muhammad (pbuh) is the supreme authority over all human beings, including women. This belief is based on the belief that the Prophet Muhammad (pbuh) is the supreme authority over all human beings, and that the ultimate goal of law is to protect and preserve the rights of all human beings.

The concept of law is a fundamental aspect of Islam, as it emphasizes the importance of respecting human rights and dignity. It is a fundamental aspect of the Islamic faith, and is the foundation of Islamic teachings. The Quran, as a sacred text, provides a clear and concise explanation of the concept of law, emphasizing the importance of respecting human rights and dignity.

The Compilation of Islamic Law (KHI) explains that the minimum age requirement for marriage for a husband is 19 years old, and for a prospective wife is 16 years old. We can conclude from the KHI that a child is considered to be under 19 years old for men and under 16 years old for women, because this age is

considered to have reached adulthood.³⁰ Meanwhile, a person's maturity cannot actually be measured by their age, this is because maturity is believed to come from a mind that is able to prioritize everything.³¹ A person's maturity can be measured from the responsibilities he or she takes on, such as when the person no longer lives with his or her parents, in this case, he or she is independent, has a permanent job or can support himself or herself and help the family.³²

The concept of law is also a central aspect of Islamic teaching. It is a fundamental principle that guides the practice of law, ensuring that all individuals are treated with respect and dignity. This principle is reflected in the teachings of the Quran, which emphasizes the importance of recognizing and respecting the human rights of all human beings, regardless of their sexual orientation or gender identity.

In conclusion, Abdul Salam Alif's teachings on law are rooted in Islamic teachings and serve as a guide for those who wish to uphold legal principles. His teachings emphasize the importance of respecting human rights and dignity, as well as the need for a culture of non-violent resistance to sexual violence.³³ Islam is an experiment in adultery or rape and acts that are close to adultery, such as kissing, committing immoral acts, dangdut singers dancing while wearing short skirts or the like, even though it is done without coercion because Islamic law does not view it as a violation of society, which is included in ordinary things and not a complaint offense. Thus, the punishment for perpetrators of sexual harassment will be handed over to the judge or government who has the right to decide the case.

Islamic law divides the punishment for adultery into 3 (three) parts, namely the punishment of flogging, stoning, and stoning (throwing stones to death). Whether the adulterer muhzan (married man or woman) commits adultery, the punishment is stoning to death. While for the adulterer gairu muhzan (unmarried man or woman), the punishment is 100 lashes, and exile for 1 (one) year. In Q.S. al-Nur; 2-3 it is stated that:

- a. The woman who commits adultery and the man who commits adultery, then chastise each of them a hundred times, and do not have mercy on either of them preventing you from (carrying out) the religion of Allah, if you believe in Allah,

³⁰Suparman Usman, *Hukum Islam, Asas-Asas dan Pengantar Studi Hukum Islam dalam Tata Hukum Indonesia*, p. 81

³¹Marlina, *Peradilan Pidana Anak di Indonesia, Pengembangan Konsep Diversi dan Restorative Justice*, p. 34

³²Mahadi, *Soal Dewasa*, Jakarta : Fakultas Hukum dan Pengetahuan Masyarakat, tt. p. 12-15

³³Djazuli, A, *Fiqh Jinayah upaya menanggulangi Kejahatan Dalam Islam*, (Jakarta: Raja Grafindo Persada, 2019), p. 1.

and the Hereafter, and let (the implementation of)) their punishment was witnessed by a crowd of believers.

- b. A man who commits adultery does not marry a woman who commits adultery, or a woman who is an idolater, and a woman who commits adultery is not married except by a man who commits adultery or a man who is a polytheist, and this is prohibited for believers.³⁴

Hero punishment (isolation) from his residence for adulterers The scholars have different opinions, namely:

- a. Imam Ahmad it feels like a hundred times punishment is not enough so it needs to be added with a prison or hero for a year.
- b. Imam Abu Hanifah that it is not necessary to be exiled (isolated), the matter of the leader's punishment itself is the judge's consideration to decide.
- c. Imam Malik that only men are subject to hero punishment, while for women it is not necessary. In this case, in the case of employment, of course, there are no sanctions for women.
- d. Imam Syafi'i, al-Qurtubi, Atha', Thawus, and Khulafur Rasyidin stated that it is necessary to be flogged and isolated for adulterers who are not Ehsan³⁵.

Conclusion

Sexual violence against children in Palopo City consists of two parts, namely: (a) Verbal Violence in Palopo City as obtained by researchers amounted to 17 (seventeen) cases of reports in 2023 that were submitted to the Palopo City Police; (b) Physical Violence acts of physical violence against Children at LPPA Luwu Raya in 2022/2023 proved 12 (twelve) cases, namely 9 (nine) cases of immorality in the form of rape that had an impact on the physical. Forms of Legal Protection for Child Victims of Sexual Violence in Palopo City, namely obtaining protection for personal, family, and property security and being free from threats from any party. In addition, in legal cases, child victims of sexual violence are not exposed as in other criminal acts. Sexual harassment in the view of Islamic law does not have clear rules and provisions regarding detailed legal sanctions. This is because the definition of sexual harassment does not yet exist. In Sharia provisions, acts that do not yet have clear detailed legal provisions, then legal provisions become a matter of ijtihad of scholars or the government which will produce legal provisions by

³⁴Muhammad Syarif, "Peradilan Hukuman Pelaku Zina Pada Masa Nabi Muhammad SAW," *Lawyer : Jurnal Hukum* 1, no. 1 (2023): p. 22-27.

³⁵Rokhmadi, "Hukuman Rajam Bagi Pelaku Zina Muhshan Dalam Hukum Pidana Islam," *Jurnal At-Taqaddum* 7, no. 2 (2015): p. 311-25.

referring to the legal provisions contained in the Qur'an and hadith. In another perspective, perpetrators of sexual harassment will be handed over to the judge or government who have the right to decide the case.

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