

PROTECTION OF WOMEN FROM THE DANGERS OF FORCED MARRIAGE

Robbi Maulana

Universitas KH. Abdul Chalim, Indonesia

maulanarobbisec2@mail.com

Abstract

Rape is a man who forces a woman who is not his wife to have sexual intercourse with him with the threat of violence, which requires that the male genitalia has entered a woman's orifice which then releases semen. Meanwhile, Islamic law categorizes rape as adultery with coercion (*al wath'u nil-kikrah*) whose perpetrators can be subject to severe punishment (*had*). The element of the act is based on the crime of decency or adultery. The difference is that in adultery there is an element of willingness, whereas in rape there is an element of coercion. To identify the problems in the research, the researcher used the type of library research, using a conceptual approach. So the conclusion of this research. 1) The form of providing legal protection for victims of sexual violence is protection by law in general which includes the provision of restitution and compensation. Providing counseling as a result of the emergence of psychological impacts, obtaining medical assistance services given to victims who suffer medically as a result of a crime and get legal assistance. Legal aid is a form of assistance to victims of crime. 2). In Islamic criminal law, rape is defined as forced adultery. A rape finger can only be considered rape if it fulfills the elements of the text that prohibits it, namely the letter *al-Isra* 'verse 32. There is an act of rape committed by a man to a woman. The perpetrator of rape is a *mukallaf*. The provisions of Islamic criminal law regarding the crime of rape are provided that the perpetrator's legal status is positioned as an adulterer, while the victim's legal status is a forced person.

Keywords: Legal Protection, Sexual Violence, Criminal Law Policy, Islamic Criminal Law.

مستخلص البحث

الاغتصاب هو أن يُجبر الرجل امرأة ليست زوجته على جماعه بالتهديد بالعنف، ويتطلب ذلك دخول قضيب الرجل في ثقب المرأة التي تفرز المنى بعد ذلك. تصنّف الشريعة الإسلامية الاغتصاب على أنه زنا بالإكراه (زنا بالإكراه) الذي يحد مرتكبه (حدًا). ويستند عنصر الفعل إلى جريمة الفاحشة أو الزنا. والفرق هو أن في الزنا عنصر الطوعية بينما الاغتصاب فيه عنصر الإكراه. ولتحديد المشكلات في الدراسة، استخدم الباحثان نوع البحث المكتبي، وذلك باستخدام أسلوب المنهج المفاهيمي. لذا فإن استنتاجات هذا البحث (1) إن شكل توفير الحماية القانونية لضحايا العنف الجنسي هو الحماية بالقانون بشكل عام والتي تشمل توفير رد الحقوق والتعويض. تقديم المشورة نتيجة لظهور الآثار النفسية، والحصول على خدمات المساعدة الطبية المقدمة لضحايا الذين يعانون طبيياً نتيجة للفعل الإجرامي والحصول على المساعدة القانونية المساعدة القانونية هي شكل من أشكال المساعدة لضحايا الجريمة. (2). ويشير إلى الاغتصاب في القانون الجنائي الإسلامي على أنه زنا بالإكراه. ولا يمكن اعتبار جريمة الاغتصاب اغتصاباً إلا إذا استوفت أركانها من وجود ناسخ



يُجرّمها، وهي سورة الإسراء الآية ٣٢. وجود فعل الاغتصاب الذي يرتكبه الرجل ضد المرأة. مرتكب الاغتصاب مكلف. أحكام القانون الجنائي الإسلامي فيما يتعلق بجريمة الاغتصاب، أي بالنص على أن مرتكب الاغتصاب في المركز القانوني مع الزاني، بينما يصبح مركز الضحية القانوني مكرّمًا.
الكلمات المفتاحية: الحماية القانونية والعنف الجنسي وسياسة القانون الجنائي والقانون الجنائي الإسلامي.

INTRODUCTION

A crime or a criminal act is often encountered in this country and can even occur in our own community. Indonesia, which is a country of law, has a legal policy and all its components such as those in the criminal justice system, as well as correctional institutions that are also responsible for carrying out the task of controlling the occurrence of a crime. Indonesia, cases of crimes about sexual violence are cases that are increasingly urgent and continue to increase, the term emergency sexual crime is a term for a phenomenon to respond to the phenomenon of sexual crimes that befall children and women. Sexual violence, sexual harassment, and sexual exploitation occur to adult women, and women who are classified as minors (children). Sexual crimes do not only take place in the office sector, corporate environment, or in certain places but can also occur in the family environment. Currently, Indonesia is a state of emergency for sexual crimes, recorded in the 2020 National Commission on Violence Against Women (CATAHU) annual report, there were 431,471 cases of violence against women consisting of 421,752 cases sourced from case/case data handled by the Religious Court, 14,719 cases handled by partner service institutions spread across one third of provinces in Indonesia and 1419 cases from the Service and Referral Unit (UPR), a unit specifically formed by the National Commission on Violence Against Women to receive complaints from victims who come directly or call the National Commission on Violence Against Women. Of the 1419 complaints, 1,277 were gender-based cases and 142 were non-gender-based cases. Data on reported violence has increased significantly over the past five years.

In a period of 12 years, violence against women has increased by 792% (almost 800%), meaning that violence against women in Indonesia has increased almost 8 times over 12 years. There was Violence Against Girls (KTAP) which jumped by 2,341 cases, the previous year there were 1,417. The increase from the previous year was 65% and the most cases were incest and added with cases of sexual violence (571 cases). From the complaint data of the National Commission on Violence Against Women, a significant increase was recorded, namely complaints of cyber-crime cases of 281 cases (2018 recorded 97 cases) and an increase of 300%. The most cases of cyber-crime were in the form of threats and intimidation of the distribution of pornographic photos and videos of victims. Sexual violence against women with disabilities increased by 47% and the most

victims were intellectual disabilities. Of the 3.062 cases of violence against women in the public and community spheres, 58% were recorded as sexual violence, namely molestation (531 cases), rape (715 cases) and sexual harassment (520 cases). Meanwhile, sexual intercourse was 176 cases, and the rest were attempted rape and sexual intercourse. Molestation and sexual intercourse are terms widely used by the Police and Courts because the legal basis for the articles in the Criminal Code ensnares the perpetrators. This crime against morality is so complex, disturbing and worrying for the community that it cannot be viewed from one side. Human behavior does not appear by itself but develops through a process due to the influence of the environment, nature, sociological, political, economic, cultural aspects (including religion). Sexual violence is a term that refers to deviant sexual behavior or deviant sexual relations, detrimental to the victim and damaging peace in society. The existence of sexual violence that occurs, the suffering of the victim has become a serious consequence that requires attention. Violence is indeed an act of blasphemy against human dignity, but there are some people who consider it a logical consequence of this life, namely that women are considered worthy of being sacrificed or treated as objects to satisfy men's interests in any way, including allowing violence. It should be realized that crimes can be committed by anyone and against anyone, along with the increasingly advanced era, the crimes that occur in society are also increasing, such as theft, murder, robbery, fraud, embezzlement, rape, kidnapping and so on.

Sexual violence against minors in Islamic law is called pedophilia, namely sexual violence committed by adults against minors in Islamic law is included in the *limath* category. Sexual harassment (*at-tabarusy al-jinsi*) that does not reach the point of adultery or homosexuality. Adultery is a forbidden sexual relationship (outside of marriage) and is intentional by the perpetrator. Allah forbids adultery, this prohibition is contained in the Qur'an. Meaning:

“And do not approach Zina, (Adultery) that is truly a cruel act, and a bad way”.
(QS. al-isra', 17: 32.)

The prohibition in this verse shows a strong warning. The warning is related to the prohibition of adultery, before it reaches the actual act of adultery. In this case, the perpetrator is positioned in the legal status of an adulterer, while the victim's legal status becomes someone who is forced to have sex or do something against their will.

Based on this background, the focus of this study is: 1). What is the Form of Indonesian Criminal Law Policy in Legal Protection for Victims of Sexual Violence? 2). What is the Review of Islamic Criminal Law Regarding Crimes of Sexual Violence in Indonesia?

METHOD

In legal research there are several approaches used. The approaches used in legal research are the state approach, case approach. Historical approach, comparative approach. And conceptual approach. With this approach, researchers will get information from various aspects regarding the issue that is being tried to be answered. In this case, researchers use a conceptual approach where this approach starts from the views or doctrines that develop in legal science that can be a basis for building a legal argument when solving legal problems / issues that are being faced. Then to clarify ideas by providing an understanding of law, legal concepts, or legal principles that are relevant to the problem.

RESULTS AND DISCUSSION

Protection for Victims of Sexual Violence in Positive Law in Indonesia According to the provisions of Article 14c paragraph (1), as well as Articles 14a and b of the Criminal Code, judges can impose a sentence by setting special conditions for the convict with the intention of compensating for the losses caused to the victim. There are several forms of protection efforts for victims of crime that are commonly provided, including the following:

- a) Provision of Restitution and Compensation. Explanation of Article 35 of Law No. 26 of 2000 defines compensation as losses given by the state because the perpetrator is unable to provide full compensation for the losses that are his responsibility, while restitution is compensation given to the victim or his family by the perpetrator or a third party. There are 4 (four) systems for providing restitution and compensation to victims of crime, namely:
 - 1) Compensation (damages) that are civil in nature, are given through a civil process. This system separates the victim's compensation claim from the criminal process
 - 2) Compensation that is civil in nature is given through a criminal process
 - 3) Restitution that is civil in nature and mixed with a criminal nature is given through a criminal process. Although restitution here remains civil in nature, its criminal (punitive) nature is unquestionable.
 - 4) Compensation that is civil in nature, given through a criminal process, and supported by state revenue sources. Here compensation does not have any criminal aspect, even though it is given in a criminal process. So, compensation remains a purely civil institution, but it is the state that fulfills or bears the obligation of compensation imposed by the court by the perpetrator.

- b) Counseling. In general, this protection is given to victims as a result of the emergence of negative psychological impacts from a crime. Providing assistance in the form of counseling is very suitable for victims of crimes that leave prolonged trauma, such as in cases involving morality.
- c) Medical Assistance Services are provided to victims who suffer medically due to a crime. The medical services in question can be in the form of a health examination and a written report (visum or medical certificate that has the same legal force as evidence). This medical information is needed especially if the victim wants to report the crime to the police for further action.
- d) Legal Aid. Legal assistance is a form of assistance to victims of crime. In Indonesia, this assistance is mostly provided by Non-Governmental Organizations (NGOs). The provision of legal assistance to victims of crime must be provided whether or not requested by the victim. This is important, considering the still low level of legal awareness of the majority of victims who suffer from this crime. The attitude of allowing victims of crime not to receive proper legal assistance can result in the condition of victims of crime getting worse.

Child protection is an effort to protect children to be able to exercise their rights and obligations. Child protection law in law (written or unwritten) that guarantees that children can truly exercise their rights and obligations. 22 According to Article 1 Paragraph 15 of Law Number 35 of 2014 concerning child protection is a form of protection received by children in certain situations and conditions to obtain a sense of security against threats that endanger themselves and their souls in their growth and development. According to Law Number 39 of 1999 concerning Human Rights (HAM). The protection given to children is contained in Article 58 as follows:

- 1) Every child has the right to receive legal protection from all forms of physical or mental violence, neglect, ill-treatment and sexual harassment while in the care of their parents or guardians, or any other party responsible for such care.
- 2) In the event that parents, guardians, or caregivers commit any form of physical or mental abuse, neglect, ill-treatment, and sexual harassment including rape and/or murder of a child who should be protected, then the punishment must be increased.

Basically, the purpose of providing protection in Indonesia is to provide attention and protection to the interests of victims of sexual violence (rape), either through the criminal justice process or through certain social care facilities is an absolute part that needs to be considered in criminal law policies and social policies, both by executive, legislative, and judicial institutions and

existing social institutions. Legal protection itself is all efforts made by law enforcement to protect the rights of legal subjects so that these rights are not violated, and law enforcement must be carried out as an effort to implement applicable legal provisions. Therefore, the importance of victims obtaining recovery is as an effort to balance the conditions of victims who experience disturbances appropriately. In the current positive criminal law, victim protection is more of an abstract protection or indirect protection.

Review of Islamic Criminal Law Regarding Crimes of Sexual Violence in Indonesia

In general, scholars divide *fiqh jinayah* into two large parts, namely: types of criminal acts (*jarimah*) and types of punishments imposed (*'uqubah*). Meanwhile, concerning the circumstances of the perpetrator (subject/criminal responsibility) generally becomes one part of the discussion of types of criminal acts, although the discussion of the subject is not separated separately, but still included as part of the scope discussed in Islamic criminal law, namely concerning the types of criminal acts and types of punishments. One of the acts that is classified as a crime against humanity (crime against humanity) or violates human rights is sexual violence (rape). The elements of the act are based on the crime of morality or adultery. The difference is that in adultery there is an element of willingness, while in rape there is an element of coercion. Because of this, legal experts refer to rape as forced adultery. Islamic law categorizes rape as adultery with coercion (*al-math'u nil-kikrah*) whose perpetrators can be subject to severe punishment (*bad*).

In Arabic terminology, sexual violence is known as *at-tabarrusy al-jinsi*. Etymologically, *at-tabarrusy* means to stir up, hostility (*at tahyij*), to cause damage (*al-ifsad*), and to cause damage, hatred and hostility (*aligra*). In terminology, it is every sexual expression and action used to attack and disturb another party. The Qur'an prohibits sexual harassment, both physical and non-physical, the Qur'an calls sexual harassment, both physical and non-physical, as *ar-rafast* and *fakbisyah*. Thus, the perpetrator is included in *mukrib/mukrihab*, and the victim is included in *mustakrah/mukrah*. violence accompanied by acts of persecution (*dhulm*), then the perpetrator can also be called *dhâlim/dhalimah*, while the victim is called *madhlûm* or *madhlûmah*. Every sexual violence contains elements of adultery. However, this is not the case with adultery, which is sometimes not included in the definition of violence itself. Every act of abuse, is attached to the substance of the meaning of coercion (*ikrah*). Based on the concept of adultery according to Islam is sexual intercourse between a man and a woman without a legal marriage bond, then the logical consequence is that marital rape (husband raping wife) is not recognized in Islam.

Thus, rape in the concept of Islamic law only occurs outside of marriage. If in the crime of adultery each perpetrator is subject to sanctions, then in the crime of rape, the victim is free from

legal charges. In the view of Islamic criminal law, forced adultery or rape is a sexual crime whose perpetrators can be subject to severe punishment. This is because, in Islam, the way to channel sexual instincts is determined through the institution of marriage. Because, the channeling of sexual instincts outside of a legitimate marriage is forbidden by Islam, especially in the form of coercion or by means of violence.

Discussion

Adultery is an act of sexual intercourse (coitus) committed outside of a legal marriage. The main element in the crime of adultery is the act of intercourse outside of marriage. Adultery may be the initial basis for the formulation of rape, but rape is not identical to adultery. The fuqaha agree that women who are raped are not sentenced to adultery (had al-zina) either by flogging or stoning. In Islamic law there are verses that lead to the prohibition of coercion in sexual matters, while also providing protection for victims of sexual violence.

وَلَا تُكْرَهُوا فَتْنَيْكُمْ عَلَى الْبِغَاءِ إِنْ أَرَدْتُمْ نَحْصًا لِيَتَّبِعُوا عَرَضَ الْحَيَاةِ الدُّنْيَا ۗ وَمَنْ يُكْرِهْنَهُمْ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِمْ
عَفُورٌ رَحِيمٌ

Meaning:

And do not compel your slave girls to prostitution, while they themselves desire purity, seeking worldly gain. And whoever compels them, then surely Allah is Oft-Forgiving, Most Merciful (to those who are compelled) after they have been compelled. (QS An-nur verse 33)

This verse at least suggests an effort to prohibit all forms of coercion and sexual exploitation, both support and assistance to victims of sexual exploitation so that they can return to being safe and confident. Adultery and Rape in Islam various verses of the Qur'an and hadith texts prohibit adultery, as stated by the Prophet SAW in a hadith text, "A person who is an adulterer, when he commits adultery, is not a believer". Hadith legal sources are clearly oriented towards providing protection for the human rights of women who are victims of crime from the threat of punishment. If, for example, the victim who is forced to commit adultery does not dare to show resistance because he is afraid of being persecuted more cruelly and even killed, and then is forced to follow the perpetrator's invitation, then those who do so are exempt from legal sanctions. Commenting on the issue of coercion, it is mentioned in the literature of the Book of "Al-Mahaddab fi Fiqh al-Iman as-Shafi'i", it was said: "And it is not obligatory for women to commit adultery", as the Prophet Muhammad SAW said, "it is not obligatory for them to do wrong, forgetfulness and acts that are forced upon them" (HR. Baehaqi and Ibnu Majjah). The above was used as evidence by Ali bin Abi Tālib before the Caliph 'Umar bin Khattab to free a woman who was forced to have

sex by a shepherd, in order to get drinking water because the woman was very thirsty.¹ The Prophet SAW said, my people have been freed from sin/sanctions due to unintentional, forgetful, and things that were forced upon them (HR. Thabrani). Yusuf Qardhawi said, a situation that is considered an emergency that justifies someone to do something that is prohibited in normal circumstances, including coercion with threats. If someone is forced with threats to do something without any other choice, then he is not sinful for his work, even if it is kufr, which is the greatest crime in Islamic law.

The coercion carried out by women in responding to the crime of sexual violence that befell them should be placed as a torture and physical beating that is considered concerning. However, what befell women who were victims of sexual violence is a type of act that crosses the limits of human values that cannot be tolerated. Madzhan Hanafi also explains about emergency situations that are carried out with coercion and threats, namely the act of forcing someone to do something that is naturally (humane) or legally (*sharia*) disliked, until the victim is forced to do it without any willingness at all to save themselves from more fatal dangers.² In fiqh, rape is also called *hirabah*. In this case, if the rape is accompanied by acts of torture or confiscation of property, the punishment is increased. Sayyid Sabiq defines it as a gang that enters an Islamic area, causing chaos, bloodshed, taking by force, and tearing apart honor. The law is a major sin (QS al-Maidah: 33).

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِّنْ خَلْفٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ۚ ذَٰلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا ۗ وَلَهُمْ فِي آٰلِ الْآٰخِرَةِ عَذَابٌ عَظِيمٌ

Meaning:

Indeed, the reward for those who fight against Allah and His Messenger and fight against corruption on earth is to be killed or crucified or have their hands and feet cut off crosswise or exiled from their homes. (QS. Al-Ma'idah: 33)

The requirements for *hirabah* are *mukallaf* (reasonable person, the location of the *hirabah* is far from crowds, the action is carried out openly), and being armed. Even though they were only armed with stones, Syafi'i, Malik, Abu Yusuf, Hambali's followers, Abu Tsaur, and Ibn Hazm agreed to punish *hirabah*. The punishment for *hirabah* was very severe, namely being killed, crucified, having their hands and feet cut off crosswise, and being exiled from their home country. In Ibn Hazm's opinion: *Al-Mubarib* (perpetrator of *hirabah* crimes) is a person who feels himself to be strong/mighty (or has power) who frightens people, who commits damage on the face of the earth, whether intentionally or not, at night or during the day, in a city or village, in a palace or in

¹ Wahbah al-Zuhaili, *Al-Fiqh al-Islami wa Adillatuhu*, (Danaskus: Dar al-Fikr, 1997), p. 294.

² Abdul Wahid, dan Muhammad Irfan, *Perlindungan Terhadap Korban Keratan Seksual, Advokasi Atas Hak Asasi Perempuan*, (Bandung: PT Refika Aditama, 2011), p. 142

a mosque, led by someone who is a leader among them or none, other than the caliph (government leader), with soldiers or other troops, huddled in a large deserted field or in the middle residents, in big or small cities, alone or en masse. Anyone who attacks a passerby and threatens to kill, rob, injure, or sexually harass is a *mubarib*. They, whether small or large, must be punished as *mubaribs*.³

Islamic legal protection provides an opportunity by using them (victims) one of the consequences suffered by women who are victims of sexual violence (rape) in addition to the psychological impact, rape victims can also experience unwanted pregnancy. Islamic law provides a way out for victims, according to Al Jazaziry in the book of fiqh ala *madhabibul arba'ah*, women who are forced to commit zina (raped) are not required to be punished and it is obligatory for the person who forced them to give alms, and their children are considered as legitimate children if they are pregnant.⁴ Islamic criminal law is not something that is frightening for humans, but rather a provision to prevent the emergence of fear from the possibility of becoming victims of crime. As part of the elaboration in protecting human rights, Islamic law can fulfill the teachings of Islam as *rahmatan lilalamin*. To see the objectivity of this rape punishment, it is necessary to also use the general *maqashidiyyah* rules, which with these general rules will show whether a rape punishment can be said to be objective or not. Among the principles that can be used are those such as the principle that *al-syari'* determines sharia based on benefits.

Of course, in this case, policies and legal protection or protection are needed for victims of sexual violence crimes as human legal subjects because they have the rights and obligations to take legal action. So far, the regulation of victim protection, especially in the Indonesian Criminal Justice System, has not shown a clear pattern. In the laws that regulate protection for victims of criminal acts, so far it is still partial and only spread across various laws. Examples are Article 35 of Law No. 26 of 2000, concerning the Human Rights Court and Articles 36 to Article 42. Law Number 13 of 2006, concerning Protection of Witnesses and Victims and the PKS law. According to Barda Nawawi Arief, in the positive criminal law that is currently in effect, victim protection is more abstract protection or indirect protection. This means that various formulations of criminal acts in laws and regulations so far have essentially provided direct in abstracto protection for the legal interests and human rights of victims.

There is a provision in Article 1 paragraph 6 of Law Number 23 of 2006 concerning the protection of witnesses and victims that, all efforts to fulfill rights and provide assistance to provide a sense of security for witnesses or victims in accordance with the law. Victims who must be carried

³ Nasaruddin Umar, *Ketika Fiqih Membela Perempuan* (Jakarta: PT Gramedia, 2014), p. 216.

⁴ Wahid dan Irfan., p. 147.

out by LPSK or other institutions in accordance with the provisions of this Law. The concept of legal protection in justice is formed by correct thinking, carried out fairly and honestly and is responsible for the actions taken. A sense of justice and law must be upheld based on positive law to uphold justice in law in accordance with the reality of society that wants to achieve a safe and peaceful society. While the presence of Islamic law as an alternative to solving the problem of crime that occurs in society. While Islamic law is to realize and protect the welfare of human life, through the order and determination of its laws, both in the form of *taqlifi* law and *wadh'i* law. Asy Syathibi said that every form of Islamic law revealed by Allah has the goal of benefiting humanity, and sharia is very closely related to the protection of human needs. Protection (*muhafazhah*) is the keyword of the objectives of sharia (*al-maqasid asy-syariah*), interpreting the meaning of sharia from the context of protection must be broader. Jasser Auda, in his comprehensive book discussing Maqasid Syariah, expands the meaning of *muhafazhah* not only in the context of ritualistic *di'in* (*ubudiyah mahdhab*), but also includes social matters (*muamalat duniyati*).

CONCLUSION

The form of Indonesian criminal law policy in legal protection for victims of sexual violence to prevent victimization. The form of providing legal protection for victims of sexual violence is protection by law in general which includes the provision of Restitution and Compensation. Providing counseling as a result of the emergence of negative psychological impacts from a crime, obtaining Medical Assistance services is given to victims who suffer medically due to a crime and receive legal assistance. Legal assistance is a form of assistance for victims of crime. In Islamic criminal law, rape is categorized as adultery with coercion (*al-wath'u nil-kikrah*) whose perpetrators can be subject to severe punishment (had). The element of the act is based on the crime of morality or adultery. The difference is that in adultery there is an element of willingness, while in rape there is an element of coercion. Because of this, legal experts refer to rape as forced adultery. The provisions of Islamic criminal law regarding the crime of rape are that the perpetrator is positioned in legal status with an adulterer, while the victim's legal status becomes a person who is forced, so the basis used for the crime of rape is indirectly interpreted as an act of adultery. The classification of rape sanctions in Islamic law is first, rape without threatening using a weapon is punished as the punishment for someone who commits adultery. Second, Rape using a weapon. A person who rapes using a weapon to threaten is punished as the punishment for a robber.

ACKNOWLEDGMENT

All praise and gratitude the author offers to the presence of Allah SWT for the abundance of His grace, guidance, and guidance, which has given strength and smoothness so that this research can be completed well. Moreover, the author feels very honored to have the opportunity to present the results of this research in a prestigious scientific event, namely the 4th International Conference on Research and Community Service organized by KH. Abdul Chalim University.

The author would like to express his highest gratitude and appreciation to the entire academic community of KH. Abdul Chalim University—especially to the Rector, the organizing committee, and all parties who have worked hard to realize the holding of this conference. This scientific forum is not only a vehicle for disseminating research results, but also functions as a space for constructive academic dialogue, a place where various thoughts from researchers, academics, and practitioners across countries meet to establish productive scientific collaboration.

The author also feels very helped and intellectually motivated by the contributions of the main speakers, moderators, and all conference participants who have shared substantial criticism, ideas, and suggestions for further development of this research. Hopefully, the interaction and collaborative network formed through this forum can enrich academic contributions in the field of education and strengthen the character of the young generation who are competitive and have good morals.

Finally, the author has high hopes that KH. Abdul Chalim University can continue to demonstrate its commitment as a pioneering institution in organizing quality scientific activities that have a real impact on society. Hopefully, this forum will be the initial milestone for the emergence of various strategic innovations and applicable solutions that are able to answer various challenges of the times wisely and visionarily.

REFERENCE

- Arief, Barda Nawawi. 1998. "Perlindungan Korban Kejahatan Dalam Proses Peradilan Pidana (Jurnal Hukum Pidana Dan Kriminologi, Vol. 1/No.1/).
- Budi Dermawan & M. Noor Harisudin. 2020. "Transformasi Pemikiran Hukum Pidana Islam Terhadap Hukum Pidana Nasional (Analisis Implementatif Jarimah Hudud, Qishash dan Ta'zir)" Vol. 1 No. 3Rechtenstudent Journal Fakultas Syariah IAIN Jember.
- Wahyunita, A., & Safitri, M. (2021). Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Penipuan Dalam Jual Beli Tambak Udang. *Indonesian Journal of Law and Islamic Law (IJLIL)*, 3 (1).

- Fuadi, M Anwar. 2011. "Psikologi Islam." dalam, *Dinamika Psikologi Kekerasan Seksual: Sebuah Studi Fenomenologi*, ed. PsikoIslamika, et. Al., vol. 8 (Malang: Universitas Maulana Malik Ibrahim).
- Fadillah, Chaerudin Dan Syarif. 2004. *Korban Kejahatan Dalam Perspektif Viktimologi Dan Hukum Pidana Islam*. Jakarta: Grhadhika Press.
- Gosita, Arief. 1989. *Masalah Perlindungan Anak*. Jakarta: Akademi: Presindo.
- Hasan, Muhammad Tholchah. 1987. *Islam Dalam Perspektif Sosial Budaya*. Universitas Islam Malang: Galasa Nusantara.
- Kansil, C.S.T. 1989. *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*. Jakarta: Balai Pustaka.
- Komnas Perempuan, "Catatan Tahunan Kekerasan Terhadap Perempuan 2019." Siaran Pers Komnas Perempuan, 6 Maret 2021.
- Lembar Fakta Catatan Tahunan Komnas Perempuan, 6 Maret 2021 Marlinawati, Reni. 2016. *Legislator Indonesia Darurat Kejahatan Seksual dalam Darurat Kejahatan Seksual*. Jakarta: Sinar Grafika.
- Marpaung, Leden. 1996. *Kejahatan Terhadap Kesusilaan Dan Masalah Prevensinya*. Jakarta: Sinar Grafika Marzuki, Peter Mahmud. 2005. *Penelitian Hukum*. Surabaya: Kencana Premada Grup.
- Marzuki, Suparman. 1995. *Pelecehan Seksual, Cet; I*. Yogyakarta: FH Universitas Islam.
- Saleh. 2019. *Kajian Fiqih Nawawi Dan Fiqih Kontemporer Dalam Dalam Hukum Jinayah Aceh Sebuah Pengantar*, Ed. Ali Abu Bakar Dan Zulkarnian Lubis. Jakarta: Prenadamedia Group.
- Soeroso, Moerti Hadiati. 2010. *Kekerasan Dalam Rumah Tangga Dalam Perspektif Yuridis Viktimologis*. Jakarta: Sinar Garfika.
- Sugiono. 2008. *Memahami Penelitian Kualitatif*. Bandung: Alfabeta.