# Jurnal Dinamika Hukum

Vol. 23 Issue 3, September 2023 E-ISSN 2407-6562 P-ISSN 1410-0797 National Accredited Journal, Decree No. 21/E/KPT/2018 DOI: 10.20884/1.jdh.2023.23.3.3715 This work is licensed under a Creative Commons Attribution 4.0 International License (cc-by)

#### JUSTICE THE RESTORATIVE ORIENTATION **REGARDING SEXUAL VIOLENCE OCCURRING** IN **RELIGIOUS-BASED EDUCATIONAL ENVIRONMENTS IN** INDONESIA

Henny Saida Flora<sup>1</sup>, Sahata Manalu<sup>2</sup>, and Nar Yan Thapa<sup>3</sup>.

<sup>1,2</sup> Universitas Katolik Santo Thomas Medan <sup>3</sup>Tribhuvan University

#### Abstract

Restorative Justice is a concept that focuses on victim recovery and is relevant to be applied in various regulations, one of which is the regulation for religious-based education in Indonesia. This study aims to answer two legal issues, namely the orientation of the application of the concept of Restorative Justice and the ideal formulation of the application of the concept of Restorative Justice to overcome acts of sexual violence in religious-based education environments. This research is a normative legal research with a concept and statutory approach. The results of the study show that the orientation of the concept of Restorative Justice in an effort to overcome acts of sexual violence in religious-based education environments already exists, such as the orientation to provide optimal recovery for victims. Even so, the concept orientation can still be considered partial or imperfect. Therefore, in order to perfect the arrangements regarding the concept of Restorative Justice, it is necessary to formulate an ideal by prioritizing two orientations, namely orientation to explicitly regulate the concept of Restorative Justice in laws and regulations as well as arrangements regarding the involvement of various sectors which include the surrounding community, foundation leaders, student guardians, to the School Committee to minimize sexual violence in religious-based education environments in Indonesia.

Keywords: Religious Based Education; Restorative Justice; Sexual Violence.

#### Abstrak

Restorative Justice merupakan konsep yang menitikberatkan pada pemulihan korban dan relevan untuk diterapkan dalam berbagai peraturan salah satunya peraturan bagi lingkungan pendidikan berbasis keagamaan di Indonesia. Penelitian ini bertujuan untuk menjawab dua isu hukum, yaitu orientasi penerapan konsep Restorative Justice formulasi ideal penerapan konsep Restorative Justice dalam upaya menanggulangi tindakan kekerasan seksual di lingkungan pendidikan berbasis keagamaan. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan konsep dan perundang-undangan. Hasil penelitian menunjukkan bahwa orientasi konsep Restorative Justice dalam upaya menanggulangi tindakan kekerasan seksual di lingkungan pendidikan berbasis keagamaan sejatinya sudah ada seperti orientasi untuk memberikan pemulihan secara optimal bagi korban. Meski begitu, orientasi konsep masih dapat dikatakan bersifat parsial atau belum sempurna. Oleh karena itu, untuk menyempurnakan pengaturan mengenai konsepsi Restorative Justice, perlu formulasi ideal dengan mengedepankan dua orientasi, yaitu orientasi untuk mengatur secara eksplisit konsepsi Restorative Justice dalam peraturan perundang-undangan serta pengaturan mengenai pelibatan berbagai sektor yang meliputi masyarakat sekitar, pimpinan yayasan, wali murid, hingga Komite Sekolah untuk meminimalisasi adanya kekerasan seksual di lingkungan pendidikan berbasis keagamaan di Indonesia. Kata Kunci: Pendidikan Berbasis Keagamaan, Restorative Justice, Kekerasan Seksual.

Copyright©2023 Jurnal Dinamika Hukum. All rights reserved.

#### Introduction

Sexual violence is one of the problems that occurs in Indonesia. Sexual violence occurs massively in almost all aspects, including educational aspects (Aprilia et al., 2022). Referring to data released by the Online Information System for the Protection of Women and Children (Symphony PPA), in 2022, there will

be around 11,016 cases of sexual violence (Kementerian PPPA, 2023). In particular, sexual violence that occurs in the educational environment, especially in the school environment, refers to data from the Federation of Indonesian Teachers' Unions (FSGI), which states that until January-June 2023, there were around 202 children who experienced sexual harassment at school. (Puspa, 2023). This data illustrates that schools, which are supposed to be places where students can study safely, comfortably, and quietly, actually experience an act of sexual violence.

The existence of sexual violence in the educational sphere becomes even more disturbing when there is the fact that a survey from the Indonesian Child Protection Commission (KPAI) shows that by the end of 2022, there was 77.78% of sexual violence occurring in religious-based educational environments while the remaining 22.22 % occur in public schools(KPAI, 2023). The existence of facts related to the large number of sexual harrassment that occurred in religiousbased educational settings was then addressed by the Ministry of Religion by issuing Minister of Religion Regulation No. 73 of 2022 concerning the Prevention and Handling of Sexual Violence in Education Units at the Ministry of Religion (Permenag KS). The Minister of Religion KS Regulation is here to take action and orient legal protection for parties who experience sexual violence.

The Minister of Religion KS Regulation is specifically a further regulation of Law no. 12 of 2022 concerning the Crime of Sexual Violence (UU TPKS). It is hoped that the presence of the Minister of Religious Affairs KS can be implemented optimally. To minimize acts of sexual violence in the scope of religious-based education. This study seeks to analyze the orientation of applying the restorative justice (RJ) concept in Permenag KS. This concept is understandable because the Permenag KS does not explicitly explain the conception of RJ. Research on applying the concept of restorative justice (RJ) in the Permenag KS has never been carried out by various previous studies. One of the reasons why the Minister of Religion KS Regulation does not regulate RJ is because the Minister of Religion KS Regulation was drafted generally to respond to the phenomenon of sexual violence in Islamic boarding school environments.

The absence of this regulation indicates that the author conducted original research. Even so, research that discusses sexual harassment in the scope of religious-based education has been carried out by three previous researchers, including: first, research with an analysis focus on the power relationship between kiai and santri as the main reason for sexual harassment in religious-based educational institutions as conducted by Komariah et al. (2022)(Pebriaisyah et al., 2022). The novelty of this research is that various

patterns of relations between kiai and santri indicate that there are power relations that can lead to sexual harassment in religious-based educational institutions. Second, Jamaludin and Prayuti (2022) analyzed efforts to prevent sexual harassment in the Islamic boarding school environment (Jamaludin, 2022). The novelty of this research is formulating an ideal method for preventing sexual harassment in the Islamic boarding school environment. Third, research conducted by Herdiana (2023) focuses on analyzing aspects of public policy related to the phenomenon of sexual violence in the educational environment, especially religion-based education (Herdiana, 2023).

The novelty of this research is the need for collaboration between various sectors in formulating policies against sexual violence in the educational environment. This novelty indicates that the aspect of the need for collaboration between various sectors in formulating policies against sexual violence in the educational environment has not been discussed explicitly by the three previous researchers, so this research is original.

### **Research Problems**

This research aims to answer two legal issues, namely: First, the orientation of the application of the RJ concept in the Minister of Religion KS Regulation; and Second, the ideal formulation of the application of the RJ concept in the Minister of Religion KS Regulation to tackle acts of sexual violence in religious-based educational environments.

### **Research Methods**

This research, which discusses the orientation of applying the concept of restorative justice (RJ) in the KS Minister of Religion Regulation, is normative legal research that focuses on analysis related to the RJ concept associated with the KS Minister of Religion Regulation. As a normative research, the coherence between RJ conceptions in Permenag KS is the central aspect studied in this research (Diantha, 2017). This research puts forward a conceptual and statutory approach. The legal materials used are the 1945 Constitution of the Republic of Indonesia, the TPKS Law, and the Minister of Religion KS Regulation as primary legal materials. Secondary legal materials include journal articles, books, and research results discussing sexual violence in educational environments. Non-legal materials are language dictionaries.

### Discussion

# Orientation for the Implementation of Restorative Justice Concept in the Minister of Religion Regulation

The RJ concept is a concept that is developing, especially when there is criticism of the law enforcement process, which is considered not to present substantive justice for society. The law enforcement process in general, places more emphasis on formal-procedural aspects so that for procedural reasons, sometimes aspects of justice are ignored. The concept of RJ, in general, offers a new formulation so that aspects of justice in law can be realized based on formal procedural aspects. (Rahmansyah et al., 2022). Mardjono Reksodiputro believes that RJ is a concept that emphasizes efforts to guarantee substantive justice for society in the law enforcement process (Isdiyanto, 2023). Substantive justice can take the form of a more effective time aspect, perpetrators who receive appropriate sanctions, and victims who receive optimal and maximum recovery.

This more effective time manifests the RJ conception in which RJ is oriented toward the law enforcement process to make it more efficient and not seem complicated. Regarding relevant sanctions for perpetrators, RJ prioritizes deliberation or mutual deliberation regarding the types of errors and losses experienced by victims (Ramadhani & Nurwati, 2023). Regarding optimal and maximum recovery for victims, this is the main essence of RJ, which places victim recovery as essential in law enforcement. The orientation to provide recovery for victims as an essential thing in law enforcement is a criticism of criminalization policies, which emphasize that punishment for perpetrators is the main thing in law enforcement (Fiaji, 2022). By emphasizing the orientation of victim recovery as essential in law enforcement, law enforcement can be substantively upheld while guaranteeing victims' rights. Another view related to RJ was expressed by Mansyur Kartayasa, who emphasized that the primary orientation of RJ is community involvement and participation. Community involvement and participation, in this case, means that the community can follow and facilitate a violation of the law so that there is a dialogue process between the victim and the perpetrator (Safitri, 2022). In this dialogic process, the victim emphasizes the aspects of recovery and compensation. At the same time, the perpetrator is more focused so that his mistakes can be forgiven and tries not to repeat his mistakes (Jamaludin, 2021).

Referring to Mansyur Kartayasa's views, Susan Sharpe also orientated three principles in RJ, which included. First, the main characteristic of RJ is the existence of a consensus between perpetrators and victims and the local community (Mutanda, et al., 2022)(Husna & Intan, 2023). Consensus in RJ can be likened to a dialogical process in which the perpetrator and victim express each other's rights that have been violated and the need to obtain compensation for a violation of the law (Harlen, 2022). The primary function of consensus in this RJ is so that all parties can accept the consequences of a violation of the law and so that similar violations do not occur in the future. The second principle of RJ is RJ's orientation, which is restoration in nature, namely repairing the negative impact of a violation of the law. In this principle, RJ aims to recover and heal the negative impacts caused by a violation of the law. Efforts to heal and restore are mainly oriented toward victims as parties needing recovery from a legal violation (Sari, 2023). Third, the following RJ principle is related to the form of proportionality of accountability carried out by the perpetrator towards the victim. The offender's responsibility to the victim is a significant aspect of RJ's conception (Cario, 2021). This significant aspect implies that in RJ, the responsibility carried out on the victim must be proportional, which means that it must be commensurate or commensurate with the losses obtained from law violations (Madu et al., 2020).

The three principles of RJ is that there is an orientation for the community to participate. This community participation can be understood as an effort to prevent any form of polarization or division of society due to a violation of the law (Zakszeski & Rutherford, 2021). In this context, RJ emphasizes harmonious solutions and sees violations of the law as a common problem that must be resolved together. The fifth principle of RJ is RJ's orientation to take preventive measures so that existing crimes or law violations do not recur in the future (Jamaludin & Prayuti, 2022). In this context, RJ emphasizes that apart from resolving existing legal violations, RJ is also oriented so that similar legal violations will not occur again. Referring to the five principles in RJ above, it can be concluded that one of the essential aspects of RJ is the existence of a sound and integrated system of existing communities or institutions in carrying out RJ. These five principles are essential because, without the community's internal concern regarding applying the RJ principles, the RJ principles are only a conceptual framework that is floating and difficult to apply practically in society. Apart from that, referring to the various views regarding RJ above, it can be concluded that the concept of RJ is related to three aspects: first, RJ is a form of effort to resolve legal violations professionally and effectively (Nabila et al., 2023). This effort is to minimize the existence of a complicated process if law violations are carried out according to existing procedures. Second, RJ emphasizes

harmonious relations between victims and perpetrators. This harmonious relationship emphasizes that the victim must receive compensation and compensation proportionally. On the other hand, the perpetrator must also make specific efforts to restore the situation due to the violation of the law he committed (Irhammudin & Edrisy, 2022).

Third, RJ is also oriented toward local community participation, including all existing elements, so order and harmonization after legal violations can be restored to normal (Siregar, 2022). This participation focuses on the awareness and active participation of the community in implementing the RJ concept. From the various orientations regarding the concept of RJ above, it can be concluded that the idea of RJ has relevance to be applied in various aspects of life in society, one of which is in the Minister of Religion KS Regulation. The primary orientation of the KS Minister of Religion Regulation is to provide legal protection as well as formulate various steps and efforts that can be taken to take action against perpetrators of sexual violence in religious-based educational environments. Referring to the orientation of the Permenag KS, applying the RJ conception as stated above is necessary. Community participation in implementing the RJ concept is an important aspect. This is an essential aspect because, in the RJ concept, community participation occupies an important orientation for the successful implementation of RJ. In its implementation, community participation in RJ is intended to create social order after a criminal act, which is then resolved through RJ (Oktobrian et al., 2023). In this context, community participation is fundamental in RJ because it involves the community in resolving criminal acts.

This community participation is based on the fact that there are at least three arguments indicating that the RJ concept is suitable for application in the KS Permenag, namely: first, the KS Permenag aims to provide legal protection for victims of sexual violence in a religious-based education environment as stipulated in Article 8 paragraph (2) ) Permenag KS. This regulation confirms that, at the same time, there is no term RJ in the Minister of Religion KS, but the true spirit of RJ is contained in the Minister of Religion KS. Second, in Article 11 of the Minister of Religious Affairs, KS has also emphasized the various types and for whom protection is given. The orientation of Article 11 of the Minister of Religion KS Regulation is clearly in line with the objectives of the RJ, which is to orientate the implementation of optimal legal protection for perpetrators and victims of sexual violence in religious-based educational environments (Dianti et al., 2023). Third, RJ's orientation can also be seen in the provisions of Article 14 paragraph (3) of the Minister of Religion KS, which emphasizes that optimal recovery for victims includes mental, physical, and spiritual recovery. Optimal guarantee of recovery for victims as in Article 14 paragraph (3) of the Minister of Religion KS emphasizes that the Minister of Religion KS has the spirit of RJ to be implemented in practice.

Referring to the three arguments above, it can be concluded that, the Minister of Religion KS Regulation has substantively facilitated several spirits in RJ. Even so, there are two aspects in which the KS Minister of Religion Regulation can be said to have not formulated the concept of RJ optimally in the KS Minister of Religion Regulation, namely: first, the term RJ has not been explicitly formulated in the KS Minister of Religion Regulation. The fact that the term RJ has not been explicitly formulated in the Minister of Religion KS Regulation is not only problematic textually. However, it can affect the implementation of the Minister of Religion KS Regulation. It can be seen that the formulation and procedures in the Permenag KS in its enforcement are administrative in nature, which means that if the term RJ is not explicitly formulated in the Permenag KS, then there is the potential for the process of enforcing the Permenag KS to occur in a convoluted manner and does not reflect the effective and efficient aspects as the orientation primary conception of RJ (Astria et al., 2021). Second, the KS Minister of Religion Regulation also fails to provide optimal space for community participation to prevent and take action against sexual violence in religious-based education environments. In the context of education, prevention, and action against sexual violence in religious-based educational environments can be formulated by involving the surrounding community's participation and the School Committee's involvement (Rahmati & Mubarak, 2023).

Referring to the analysis above, it can be concluded that the orientation of the RJ concept in the Minister of Religion KS Regulation already exists, such as an orientation to provide optimal recovery for victims of sexual violence in a religious-based educational environment. Even so, the orientation of the RJ concept in the KS Minister of Religion Regulation can still be considered partial or incomplete because the term RJ has not been adopted. No regulations emphasize the involvement of community participation and School Committees in enforcing and preventing sexual violence in religious-based education environments. By emphasizing the involvement of the community and the School Committee in enforcing and preventing sexual violence in religious-based educational environments, it is hoped that it can optimize the implementation of the RJ concept in the Minister of Religion KS Regulation.

# The Ideal Formulation of the Application Restorative Justice Concept in the Minister of Religion Regulation: Religion-Based Education Environment

Social harmonization, as the primary goal of the RJ conception, emphasizes that social conditions become harmonious due to a criminal act (Fitriati, 2015). The concept of social harmonization in the RJ context is often compared with the law enforcement process in general, where in the general law enforcement process, social harmonization is often ignored or not the primary goal of law enforcement (Sriyana et al., 2023). Law enforcement generally focuses more on formal procedural aspects as stated in statutory regulations (Putri, 2023). Social harmonization as the primary goal of RJ can be viewed from at least two aspects: first, social harmonization seeks to restore society's disorder and anxiety after committing a criminal act (Hadirman et al., 2023). In this context, social harmonization is corrective or improves the social conditions of society after a criminal act. Second, social harmonization can be seen in the community's efforts to prevent similar criminal acts from occurring again (Majid et al., 2022).

Even though, in general, in several aspects, the Permenag KS has accommodated the conception of RJ, this has not been optimally implemented because, apart from the term RJ not being explicitly formulated in the Permenag KS in the substance of the Permenag KS, it also does not explicitly regulate the role of the community in enforcing and preventing sexual violence in religiousbased educational environment. Community participation is an essential aspect in of the concept of RJ. The term RJ has not yet been explicitly regulated in the KS Minister of Religion Regulation, and the role of the community in enforcing and preventing sexual violence in religious-based educational environments has not been specifically regulated. These two things confirm that the KS Minister of Religion Regulation has implemented the RJ concept, but weakly and not yet comprehensively (weak restive justice) (Citizen, 2022)(Octavia et al., 2021). Therefore, in the future, the Permenag KS needs to be revised so that the concept of RJ can be optimally applied in the Permenag KS.

The fact that the concept of RJ has not been regulated in the Permenag KS can be understood because the Permenag KS was responsively formulated in the presence of increasingly massive cases of sexual harassment and violence. The formulation of the Permenag KS is also in line with the Ministry of Education and Culture (Kemendikbud), which also formulated a similar regulation to address sexual violence in the educational environment. The fact that there was massive

sexual violence made the drafters of the KS Minister of Religion precisely formulate the KS Minister of Religion as a guide in dealing with the fact of massive sexual violence in religious-based education environments. The phenomenon of sexual violence in a religious-based education environment can be said to have its character and peculiarities. This particularity is at least a characteristic of sexual violence that occurs in religious-based educational environments and is undoubtedly different from sexual violence in educational environments in general (Prasetio, 2022).

Regarding the concept of RJ in the Minister of Religion KS Regulation, it is also necessary to understand that the regulations regarding RJ have been regulated in the realm of the Prosecutor's Office and in the scope of the Police. In the realm of the Prosecutor's Office, for example, the application of RJ must be based on several conditions, one of which is that there is an agreement between the parties and that the criminal act is not a criminal act that threatens the existence of the state or has a severe impact on society. In the police domain, regulations regarding RJ are also limited to an agreement between the parties to take a "peaceful" path and not continue with the applicable legal process. From the regulations regarding RJ in the Police and Prosecutor's Office above, it can be concluded that in the context of sexual violence, there are no specific regulations regarding RJ in both the Police and Prosecutor's Office. Sexual violence requires special arrangements and implementation regarding RJ because victims of sexual violence generally have experienced not only physical losses but also psychological losses.

Three characteristics distinguish sexual violence that occurs in religiousbased education environments and sexual violence in educational settings in general, namely: first, the aspect of power relations. In the educational environment, in general, power relations also exist and occur between teachers and students. However, the power relations in a religious-based education environment can be stronger, by indicating that the teacher or scholar is right and what is done must be based on syara' provisions. or religious teachings (Pebriaisyah et al., 2022)(Elindawati, 2021). This view is sometimes one of the causes of sexual violence in religious-based education environments. This view is a "wrong" view but is often used as an alibi to cover the existence of sexual violence (Blareq & Metodius, 2023).

Second, it is related to transparency and accountability of religious-based education. In practice, religious-based educational institutions sometimes tend to close themselves off from certain activities because these are internal institutional activities (Muafiah et al., 2022). This action is a legal thing to do. However, suppose it relates to the potential for sexual violence in a religiousbased educational environment. In this case, there should be a mechanism to monitor and supervise these activities. This mechanism aims to minimize the potential for sexual violence in religious-based education environments. Third, religious-based education sometimes implements a boarding-based inclusive education process so that activities are carried out full day or not through certain hours, as in educational institutions. The full-day system is a good system, primarily implemented by Islamic boarding schools as religious-based educational institutions that implement this system (Alfauzi, 2022)(Pebriaisyah et al., 2022). However, the full-day or hostel-based system creates a problem: the increasing potential for sexual violence in a religious-based education environment. This potential can be minimized if, in a religious-based education environment, there is a specific monitoring or participation mechanism to minimize sexual violence in a religious-based education environment (Harlen, 2022)(Oktariani et al., 2023).

Of the three aspects that cause sexual violence in religious-based educational environments above, it is necessary to have specific arrangements to minimize sexual violence in religious-based educational environments. Referring to the KS Minister of Religion Regulation above, the regulation regarding sexual violence in religious-based educational environments, especially in efforts to implement the concept of RJ, has not been optimally facilitated. In a religious-based educational environment that tends to be closed, for example, RJ tends to be challenging, especially if the management of a religious-based educational institution tends to cover up the facts by saying it is just an internal problem (Sangaji et al., 2023). This phenomenon can be overcome by having special and integrated arrangements to anticipate sexual violence in religious-based education environments. The KS Minister of Religion Regulation is quite good at regulating prevention and enforcement related to sexual violence in religious-based educational environments. Even so, the weakness of the KS Permenag.

The explicit formulation of the concept of RJ in the Minister of Religion KS Regulation aims at at least three aspects, namely: first, the explicit formulation of the concept of RJ in the Minister of Religion KS Regulation is intended to emphasize that the Minister of Religion KS Regulation is a manifestation of the spirit of the RJ conception. This affirmation is also in practice related to implementing the Minister of Religion KS based on RJ's values. Second, the explicit formulation of the concept of RJ in the Minister of Religion KS Regulation is intended to provide an orientation that the formulation of articles and verses in the Minister of Religion KS Regulation the concept of RJ. As a manifestation of the RJ conception, the KS Minister of Religion Regulation is obliged to formulate various concepts contained in the RJ to be formulated in the KS Minister of Religion Regulation. Third, the explicit formulation of the RJ concept in the Minister of Religion KS is aimed at demanding the application of the RJ concept to be in harmony with the values or principles contained in the RJ conception. In this context, one of the RJ conceptions that needs to be accommodated by the Minister of Religion KS Regulation is involving community participation or School Committees in enforcing sexual violence in religious-based education environments.

The ideal formulation of the Minister of Religion KS Regulation to optimize the concept of RJ can be done by revising the Minister of Religion KS Regulation. The revision was carried out by prioritizing two orientations: first, the need for confirmation of the concept of RJ in the KS Minister of Religion Regulation, both explained in the weighing condition and at the same time affirming its principles in the KS Minister of Religion Regulation. Second, revisions to the KS Minister of Religion Regulation can also be carried out by formulating policies regulating community participation in enforcing sexual violence in religious-based education environments. In a religious-based education environment, community involvement can be through the surrounding community, foundation leaders, student guardians, and the School Committee. The involvement of these various sectors requires specific arrangements in the Minister of Religion KS so that the Minister of Religion KS can be optimally implemented in a religious-based education environment that prioritizes the concept of RJ.

Based on the description above, the ideal formulation regarding the revision of the Minister of Religion KS Regulation can be carried out by prioritizing two orientations, namely the orientation to explicitly regulate the concept of RJ in the Minister of Religion KS Regulation. The second orientation is that special arrangements are needed regarding the involvement of various sectors. Specific arrangements are needed in the Minister of Religion KS Regulation can be implemented optimally in a religious-based education environment that prioritizes the concept of RJ. This community involvement can involve the surrounding community, foundation leaders, student guardians, and the School Committee.

## Conclusion

The orientation of the RJ concept in the Minister of Religion KS Regulation already exists to provide optimal recovery for victims of sexual violence in a religious-based educational environment. Even so, the orientation of the RJ concept in the KS Minister of Religion Regulation can still be considered partial or incomplete because the term RJ has not been adopted. No regulations that emphasize the involvement of community participation and School Committees in enforcing and preventing sexual violence in religious-based education environments. By emphasizing the involvement of the community and the School Committee in enforcing and preventing sexual violence in religious-based educational environments, it is hoped that it can optimize the implementation of the RJ concept in the Minister of Religion KS Regulation.

The ideal formulation regarding the revision of the KS Minister of Religion Regulation can be carried out by prioritizing two orientations, namely the orientation to explicitly regulate the concept of RJ in the KS Minister of Religion Regulation. The second orientation is that special arrangements are needed regarding the involvement of various sectors. Specific arrangements are needed in the Minister of Religion KS Regulation so that the Minister of Religion KS Regulation can be implemented optimally in a religious-based education environment that prioritizes the concept of RJ. This community involvement can involve the surrounding community, foundation leaders, student guardians, and the School Committee.

## Suggestion

It is necessary to revise the provisions of the Minister of Religious Affairs KS by formulating the term RJ and its concept in the Minister of Religious Affairs KS, as well as formulating the involvement of the community and school committees in enforcing and preventing sexual violence in religious-based education environmnts.

## References

- Ahmad Jamaludin, Y. P. (2022). Pendidikan Pesantren Sexual Crime Prevention Models In Islamic Boarding School Educational Institutions. *Res Nullius*, 4(2), 161–169.
- Awaludin Rahmansyah, R., Nabillah, N., & Siti Nurjanah, A. (2022). Tindakan Hukum Terhadap Anak Sebagai Korban Pelecehan Seksual yang Dilakukan Herry Wirawan. *Jurnal Indonesia Sosial Sains*, 3(6), 956–964. https://doi.org/10.36418/jiss.v3i6.621

Blareq, Y. K. G., & Metodius, F. O. V. (2023). Menyoal Kasus Pelecehan Seksual

Terhadap Santriwati Di Bandung. *Falsafah: Jurnal Kajian Filsafat, Teologi Dan Humaniora*, 8(2), 33–41. https://doi.org/10.37567/jif.v8i2.1194

- Cindy Aprilia, D., Mu'ti, A., & Sururin. (2022). Kekerasan Seksual di Lingkungan Pesantren. *Journal on Education*, 05(01), 662–675.
- Citizen, Y. O. (2022). Termination of Prosecutions Based On Restorative Justice in The Settlement of Criminal Cases In The Area of The High Prosecutors Of Lampung. *Pancasila And Law Review*, 3(2), 117–126.
- Dara Nabila Dianti, Nurhaeni, I. D. A., & Utari, P. (2023). Framing Analysis of the Dynamics of Sexual Violence by Female Santri in Online Media Portals (Case Study Kompas.com Daily News and Republika for July 2022). Formosa Journal of Social Sciences (FJSS), 2(1), 125–142. https://doi.org/10.55927/fjss.v2i1.3406
- Diantha, I. M. P. (2017). Metodologi Penelitian Hukum Normatif dalam Justifikasi Teori Hukum. Kencana.
- Dicky Eko Prasetio, M. A. N. H. (2022). Penyadaran Kekerasan Seksual di Sekolah: Implementasi Moderasi Beragama dalam Pelajaran Pendidikan Agama Islam di SMPN 1 Kalitidu, Bojonegoro. *Amorti: Jurnal Studi Islam Interdisipliner*, 1(2), 85.
- Dwiki Oktobrian, Rani Hendriana, Dwi Hapsari Retnaningrum, M. L. N. (2023). Pengawasan Pelaksanaan Kesepakatan Mediasi Penal Dalam Penerapan Restorative Justice Pada Tahapan Penyidikan. *Litigasi*, 24(1), 19.
- Elindawati, R. (2021). Perspektif Feminis dalam Kasus Perempuan sebagai Korban Kekerasan Seksual di Perguruan Tinggi. *AL-WARDAH: Jurnal Kajian Perempuan, Gender Dan Agama*, 15(2), 181–193. https://doi.org/10.46339/alwardah.xx.xxx
- Feisal Akbar Alfauzi, J. K. (2022). Upaya Penanggulangan Pelecehan Seksual Pesantren Mamba ' ul Huda Al Djunaidi di Pondok. *Borobudur Law and Society Journal*, 5(1), 20–27.
- Fiaji, N. A. (2022). Mitigation in the Sexual Violence Pondok Pesantren Singosari Ishlahiyah Campaigns Social Media-Based Digital Literacy. Wisesa: Jurnal Pengabdian Masyarakat, 1(2), 27–35. https://wisesa.ub.ac.id/index.php/wisesa/article/view/19
- Fitriati. (2015). Pola Harmonisasi Budaya Dalam Sistem Komunikasi Hukum Sebagai Usaha Penegakan Hukum. *Masalah - Masalah Hukum*, 44(4), 488.
- Ghisca Putri Anjar Sari, E. R. G. (2023). Keadilan Restoratif Bagi Anak Yang Berkonflik Dengan Hukum. *Unes Law Review*, 5(3), 735–744.
- Hadirman, Musafar, & Setiawati, I. R. (2023). Menimbang Kampung Moderat: Memaknai Kehidupan Sosial-Budaya Masyarakat Multietnik di Desa Sea. Jurnal Ilmu Sosial Dan Humaniora, 12(1), 178–188. https://doi.org/10.23887/jish.v12i1.58465

- Harlen, S. A. (2022). Pemenuhan Hak Santri atas Kasus Pelanggaran Hak Asasi Manusia oleh Oknum Pondok Pesantren. *Jurnal HAM*, 13(2), 199. https://doi.org/10.30641/ham.2022.13.199-214
- Herdiana, D. (2023). Kekerasan Seksual di Lembaga Pendidikan dalam Perspektif Kebijakan Publik. *Equalita*, 5(1), 105.
- Husna, H., & Intan, A. (2023). Does International Law Acknowledge Restorative Justice ? *Sriwijaya Law Review*, 7(1), 121–134. https://doi.org/10.28946/slrev.Vol7.Iss1.2130.pp121-134
- Ilham Yuli Isdiyanto, W. S. (2023). Providing Judges Decisions Based On Justice That Live In Society (Study Of Living Law In Society). *Komunikasi Hukum*, 9(1), 687–703.
- Irhammudin, I., & Edrisy, I. F. (2022). Restorative Justice in the Implementation of Diversion Against Child Criminal Victims. *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat*, 22(2), 223–238. https://doi.org/10.19109/nurani.v22i2.11501
- Jamaludin, A. (2021). Penerapan Keadilan Restoratif Bagi Pelaku Tindak Pidana dalam Penegakan Hukum Dikejaksaan. *Jurnal Pemuliaan Hukum*, 4(2), 1–26. https://doi.org/10.30999/jph.v4i2.1453
- Jamaludin, A., & Prayuti, Y. (2022). Model Pencegahan Kejahatan Seksual Di Lembaga Pendidikan Pesantren. *Res Nullius Law Journal*, 4(2), 161–169. https://doi.org/10.34010/rnlj.v4i2.6861
- Kementerian PPPA. (2023). *Menteri PPPA Tekankan Pentingnya Strategi Pendidikan Anti Kekerasan* (p. 1). www.kemenpppa.go.id. https://www.kemenpppa.go.id/index.php/page/read/29/4341/menteri-pppa-tekankan-pentingnya-strategi-pendidikan-anti-kekerasan (Diakses Pada Tanggal 1 Agustus 2023)
- Kiki Astria, K., Nuzuli, A. K., & Handayani, F. (2021). Etika Jurnalistik, Perempuan dan Pemberitaan Pelecehan Seksual di Media Online. *Ishlah: Jurnal Ilmu Ushuluddin, Adab Dan Dakwah, 3*(2), 191–199. https://doi.org/10.32939/ishlah.v3i2.104
- KPAI. (2023). Catatan Pengawasan Perlindungan Anak Di Masa Transisi Pandemi; Pengasuhan Positif, Anak Indonesia Terbebas Dari Kekerasan (p. 1).
  www.kpai.go.id. https://www.kpai.go.id/publikasi/catatan-pengawasan-perlindungan-anak-di-masa-transisi-pandemi-pengasuhan-positif-anak-indonesia-terbebas-dari-kekerasan (Diakses Pada Tanggal 1 Agustus 2023).
- Madu, R. H., Wantu, F. M., & Badu, L. W. (2020). The Restitution of Children as Victims of the Crime of Obscenity in the Principles of Restorative Justice. *Estudiente Law Journal*, 2(3), 530–546.
- Majid, A. N., Muzakki, Z., & Amini, I. (2022). Harmonisasi Sosial Berbasis Kearifan Lokal Islami Dalam Masyarakat Tanèan Lanjâng Madura. *Jurnal Asy-Syukriyyah*, 23(2), 177–194. https://doi.org/10.36769/asy.v23i2.264

- Masna Nuros Safitri, E. W. (2022). Pendekatan Restorative Justice Dalam Tindak Pidana Pencemaran Nama Baik Melalui Media Sosial Sebagai Implementasi Asas Ultimum Remedium. *Esensi Hukum*, 4(1), 12–23.
- Mhd. Azhali Siregar, R. A. F. (2022). Enhance Manage Regulation Restorative Justice For Solving Community Conflict. *Infokum*, 10(5), 447–452.
- Monica Octavia, Sanusi, & Alip Rahman. (2021). Restorative Justice in Resolving Embedding At Cirebon City Polres. *JILPR Journal Indonesia Law and Policy Review*, 3(1), 35–44. https://doi.org/10.56371/jirpl.v3i1.97
- Muafiah, E., Sofiana, N. E., & Khasanah, U. (2022). Pesantren Education In Indonesia: Efforts To Create Child-Friendly Pesantren. *Ulumuna*, 26(2), 447– 471.
- Mutanda, D., & Hendricks, C. (2022). Restorative justice in Zimbabwe's reconciliation process: Some considerations. *Peace and Conflict: Journal of Peace Psychology*, 28(4), 493.
- Nabila, N. A., Baroroh, U., & Mashis, B. M. (2023). Fakta Kekerasan Seksual Di Pesantren Kabupaten Pati. *Al-I'timad: Jurnal Dakwah Dan Pengembangan Masyarakat Islam*, 1(1), 90–109. https://doi.org/10.35878/alitimad.v11.724
- Nada Marenza Putri, E. al. (2023). Harmonisasi Hukum Adat dan Prinsip Kesetaraan Gender di Desa Kemang Indah. *Doktrin*, 1(4), 52.
- Oktariani, W., Wuryaningsih, T., & Lestari, S. (2023). Interpretasi Sosial terhadap Kekerasan Seksual dalam Perspektif Sekolah Berbasis Agama. 06(01), 5318– 5327.
- Pebriaisyah, B. F., Wilodati, W., & Komariah, S. (2022). Kekerasan Seksual Di Lembaga Pendidikan Keagamaan: Relasi Kuasa Kyai Terhadap Santri Perempuan Di Pesantren. Jurnal Harkat: Media Komunikasi Gender, 18(2), 33–42. https://doi.org/10.15408/harkat.v18i2.26183
- Puspa, A. (2023). 202 Anak Jadi Korban Kekerasan Seksual di Sekolah, Data Januari-Mei 2023. mediaindonesia.com. https://mediaindonesia.com/humaniora/586443/202-anak-jadi-korbankekerasan-seksual-di-sekolah-data-januari-mei-2023 (Diakses Pada Tanggal 1 Agustus 2023).
- Rahmati, A., & Mubarak, F. (2023). Prevention Strategy of Violence in Pesantren. Santri: Journal of Pesantren and Fiqh Sosial, 4(1), 21–32.
- Ramadhani, S. R., & Nurwati, R. N. (2023). Dampak Traumatis Remaja Korban Tindakan Kekerasan Seksual Serta Peran Dukungan Sosial Keluarga. *Share : Social Work Journal*, 12(2), 131. https://doi.org/10.24198/share.v12i2.39462
- Sangaji, R., Amin, S., Muhammadun, M., Syarifuddin, S., & Usman, B. (2023). Tafsir Al-Ahkam's Analysis of Demoralization in Cases of Sexual Harassment in Educational Institutions in Indonesia. Samarah, 7(2), 713–733. https://doi.org/10.22373/sjhk.v7i2.17028

- Sriyana, S., Pratiwi, A., & Arianti, S. (2023). Keserasian Sosial Masyarakat Majemuk Di Kelurahan Beriwit Kecamatan Murungkabupaten Murung Raya. *Anterior Jurnal*, 22(1), 73–80. https://doi.org/10.33084/anterior.v22i1.3927
- Zakszeski, B., & Rutherford, L. (2021). Mind the Gap: A Systematic Review of Research on Restorative Practices in Schools. *School Psychology Review*, 50(2–3), 371–387. https://doi.org/10.1080/2372966X.2020.1852056