

Enforcement Gaps in Child Protection Law: Managing Strategy of Violence on Students in Islamic Boarding Schools and the Limits of Legal Compliance in Indonesia

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ABSTRACT

This study investigates enforcement gaps in Indonesia's child protection law by focusing on violence in Islamic boarding schools (*pesantren*) in Kudus. The research aims to examine why violence against children persists despite the existence of comprehensive statutes such as Law No. 35 of 2014 on Child Protection, Law No. 20 of 2003 on the National Education System, Law No. 18 of 2019 on *Pesantren*, and Law No. 12 of 2022 on Sexual Violence Crimes. Using a qualitative socio-legal method, the study combines normative legal analysis with empirical case studies drawn from media reports, NGO documentation, and secondary academic sources. The findings reveal four major enforcement gaps: limited accessibility of reporting mechanisms due to fear and hierarchical power relations; cultural normalization of violence through *ta'zir* as disciplinary education; fragmented institutional coordination without intersectoral SOPs; and the frequent use of restorative justice settlements that disadvantage victims. These results underscore that legal reforms alone are insufficient without accompanying cultural transformation, integrated institutional mechanisms, and community-based engagement. The study contributes to child protection discourse by proposing an integrative approach that harmonizes statutory law with religious moderation and communal values, while aligning with international standards such as the Convention on the Rights of the Child (CRC). The originality of this research lies in its contextual focus on *pesantren*, a relatively underexplored site in child protection scholarship, thereby enriching international debates on law, culture, and the protection of children in religious education settings.

Keywords: Child protection law; enforcement gaps; legal culture; managing strategy; *pesantren*; restorative justice.

ABSTRAK

Penelitian ini mengkaji celah penegakan hukum dalam perlindungan anak di Indonesia dengan berfokus pada kekerasan di pesantren di Kudus. Tujuan penelitian ini adalah untuk menelaah mengapa kekerasan terhadap anak tetap berlangsung meskipun telah ada perangkat hukum yang komprehensif, seperti Undang-Undang No. 35 Tahun 2014 tentang Perlindungan Anak, Undang-Undang No. 20 Tahun 2003 tentang Sistem Pendidikan Nasional, Undang-Undang No. 18 Tahun 2019 tentang Pesantren, dan Undang-Undang No. 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual. Dengan menggunakan metode sosio-legal kualitatif, penelitian ini menggabungkan analisis hukum normatif dengan studi kasus empiris yang bersumber dari laporan media, dokumentasi LSM, dan literatur akademik sekunder. Hasil penelitian menemukan empat celah utama dalam penegakan hukum: keterbatasan akses mekanisme pelaporan akibat rasa takut dan relasi kuasa yang hierarkis; normalisasi budaya kekerasan melalui *ta'zir* sebagai pendidikan disiplin; koordinasi kelembagaan yang terfragmentasi tanpa SOP intersektoral; serta seringnya penggunaan penyelesaian berbasis keadilan restoratif yang merugikan korban. Temuan ini menegaskan bahwa reformasi hukum saja tidak cukup tanpa diiringi transformasi budaya, mekanisme kelembagaan yang terintegrasi, dan keterlibatan berbasis komunitas. Penelitian ini berkontribusi pada wacana perlindungan anak dengan menawarkan pendekatan integratif yang mengharmonisasikan hukum positif dengan nilai moderasi beragama dan mekanisme komunitas, sekaligus menyelaraskan dengan standar internasional seperti Konvensi Hak Anak (CRC). Keaslian penelitian ini terletak pada fokus kontekstual terhadap pesantren, sebuah ranah yang relatif kurang dieksplorasi dalam kajian perlindungan anak, sehingga memperkaya perdebatan internasional tentang hukum, budaya, dan perlindungan anak dalam pendidikan berbasis agama.

Kata kunci: Undang-undang perlindungan anak; celah penegakan hukum; budaya hukum; strategi pengelolaan; pesantren; keadilan restoratif.

INTRODUCTION

School-based violence is a widespread violation of children's rights and a persistent challenge for the global education system. According to UNICEF, nearly half of adolescents aged 13–15 years—about 150 million worldwide—have experienced peer-to-peer violence in and around schools, including bullying and physical fights (UNICEF, 2021). UNESCO also reports that more than one-third of adolescents experience bullying and a similar proportion are involved in physical altercations, findings based on surveys in 144 countries and territories through the Global School-based Student Health Survey (GSHS) and Health Behaviour in School-aged Children (HBSC) (UNESCO, 2019, 2024). Such environments directly undermine students' academic performance, increase absenteeism and dropouts, and jeopardize the goal of inclusive and equitable education.

Beyond bullying and physical assault, school-based violence encompasses verbal abuse, sexual harassment, gang-related violence, and cyberbullying (Gumpel & Sutherland, 2010; Kernbach-Wighton, 2014; Turanovic & Siennick, 2022). Its causes are multifaceted, ranging from family background, domestic violence exposure, and socio-economic vulnerabilities to peer dynamics within schools (Brown, 2022; Masuku & Sibisi, 2025). The consequences extend beyond academics, with long-term risks of anxiety, depression, and psychosocial disorders (Adjorlolo & Battanis, 2024). Addressing this complexity requires holistic prevention strategies: strengthening socio-emotional learning, fostering positive school climates, implementing restorative justice mechanisms, and expanding anti-bullying programs and professional development for teachers (Mariani & Schiff, 2025; Ngcobo & Bashige, 2022; Olabarria et al., 2025; Talib et al., 2024). Despite these initiatives, global monitoring shows that the prevalence of school-based violence remains stubbornly high, underscoring the urgency for coordinated international and national interventions.

In Indonesia, violence against children still shows alarming figures. Data from the 2024 PPA KemenPPPA Symphony recorded 19,626 cases of violence against children with 21,646 victims, but the results of the 2024 National Survey on the Life Experiences of Children and Adolescents (SNPHAR) reveal that one in two children has experienced at least one form of violence, indicating significant under-reporting (KemenPPPA, 2024). Furthermore, violence in schools is a crucial issue: a report by NEW Indonesia (JPPI) shows that 36% of students are at risk of bullying, 35% of sexual violence, and 27% of physical punishment (Matraji, 2024), while KPAI data recorded 2,355 cases of violence in the education sector from January to August 2023, or about one in five cases of child abuse occurring in educational institutions. These facts confirm that educational institutions in Indonesia, instead of being safe spaces for children, are still vulnerable to various forms of physical, sexual, and even religious-based violence, thus requiring more assertive and comprehensive legal intervention and protection policies.

Previous research on violence in educational settings can generally be categorized into three main streams. First, studies on peer-to-peer violence, such as bullying, verbal abuse, and physical aggression, demonstrate serious impacts on children's psychosocial development and academic achievement. Poor teacher–student relationships have been shown to increase the risk of students becoming either perpetrators or victims of bullying, while positive relationships reduce aggression and victimization (Behrhorst et al., 2020; Krause & Smith, 2022). A supportive school climate is also correlated with lower levels of bullying and harassment (Espelage et al., 2014; Gower et al., 2015). School-based interventions, such as the Second Step program, have proven effective in reducing physical aggression, while more comprehensive approaches that involve teachers, students, and parents are more successful in preventing recurring violence (Espelage et al., 2013; Gouveia et al., 2019). The academic consequences are evident, as involvement in bullying is associated with declining performance and reduced social competence (Morrow et al., 2019; Zequinão et al., 2017). Gender differences also emerge: boys are more often involved in physical bullying, whereas girls tend to experience forms of psychosocial aggression (Lam et al., 2018; Rosário et al., 2017). Furthermore, the

normalization of minor aggressive behaviors within schools can foster a culture of violence (Harger, 2019), making early detection tools such as the Bull-S Test essential to prevent escalation (Cerezo, 2006). Therefore, effective prevention of bullying requires a combination of strategies that strengthen teacher–student relationships, build a positive school climate, implement comprehensive interventions, and employ reliable detection mechanisms.

Second, research on structural and cultural forms of violence highlights the persistence of corporal punishment and harsh disciplinary practices in schools, including Islamic boarding schools (*pesantren*). Studies show that corporal punishment remains widespread, especially in low- and middle-income countries, and is associated with adverse physical, psychological, and developmental consequences for children rather than improved discipline (Allison et al., 2023; Hecker et al., 2014; Sege & Siegel, 2018). Evidence further demonstrates that such punishment often reinforces aggression and antisocial behavior, while alternatives such as positive behavioral interventions and supports (PBIS) are more effective in promoting discipline and reducing violence (Baker-Henningham et al., 2019; Gagnon et al., 2021; Wiggers & Paas, 2022). In the context of Islamic boarding schools, bullying and authoritarian disciplinary patterns have been linked to both cultural norms and exposure to aggressive media, prompting the development of preventive programs such as character education and anti-bullying curricula (Arif et al., 2024). Comparative legal studies also note that while some interpretations of Islamic law tolerate corporal punishment under limited conditions, national laws in countries like Pakistan explicitly prohibit it and encourage non-violent alternatives (Mehmood et al., 2022). Regional evidence from Bangladesh and South Africa reinforces these findings, showing that despite legal prohibitions, corporal punishment persists in practice, particularly in rural or resource-limited settings, yet its abolition has not increased student misconduct (Shaikhmag & Buabeng Assan, 2014; Sultana et al., 2019). Taken together, the literature underscores that corporal punishment is a structural problem deeply rooted in cultural and institutional norms, requiring not only legal reform but also sustained advocacy, teacher training, and community engagement to ensure safe and supportive learning environments.

Third, research on religion-based violence and intolerance in schools and Islamic educational settings highlights the complex role of religious instruction, curricula, and institutional culture in shaping students' attitudes toward tolerance and extremism. Studies in Indonesia and elsewhere show that programs of religious moderation embedded in Islamic education, whether at universities or *pesantren*, can positively influence students' nationalism, tolerance, and resistance to radical ideologies, particularly when guided by respected religious leaders (Humaidi & Fadhliyah, 2024; Solechan et al., 2024). At the curricular level, however, analyses of Islamic Education textbooks reveal gaps in promoting tolerance, with insufficient content and time allocation dedicated to moderation, both in Indonesia and in international contexts such as Kuwait (Alabdulhadi, 2019; Parker, 2014; Suherdiana & Muhaemin, 2018). Empirical studies further indicate that inadequate integration of moderation contributes to vulnerability among youth, where religious devotion and observance, if framed narrowly, can fuel intolerance or violent extremism, underscoring the importance of reforming religious education to emphasize inclusivity and peaceful coexistence (Al-Badayneh et al., 2024; Marpaung et al., 2024; Nasir, 2022). The persistence of sectarian divisions in countries like Pakistan also demonstrates how doctrinal fragmentation can escalate into educationally rooted violence, thereby strengthening the call for religious literacy programs that cut across sectarian boundaries (Ashraf, 2019). At the school level, policies and extracurricular initiatives to prevent intolerance among Generation Z Muslims show promise in cultivating resilience against extremist influences, though implementation remains uneven (Purba et al., 2024). Collectively, this body of research underscores both the opportunities and challenges of embedding religious moderation in Islamic education and confirms the urgent need for stronger

curricular reform, teacher guidance, and institutional policies to prevent intolerance and religion-based violence in schools and *pesantren*.

Taken together, these three bodies of research highlight the breadth of scholarship on school violence yet also reveal a notable gap. While previous studies have examined peer aggression, structural violence in disciplinary practices, and religion-based intolerance in schools or *pesantren*, few have explicitly connected these phenomena to the legal framework of child protection in Indonesia. In particular, there remains insufficient analysis of how laws such as Law No. 35 of 2014 on Child Protection, Law No. 20 of 2003 on the National Education System, Law No. 18 of 2019 on *Pesantren*, and Law No. 12 of 2022 on Sexual Violence Crimes operate in practice to address religion-based violence in educational institutions. This study seeks to fill that gap by evaluating the effectiveness of Indonesia's child protection laws in the context of Islamic educational settings and by proposing an integrative approach that harmonizes legal protection with religious moderation and community-based strategies in line with international standards such as the Convention on the Rights of the Child (CRC).

In light of these gaps, this study advances the thesis that protecting students from religion-based violence in schools and Islamic boarding schools requires an integrative approach that combines three key dimensions: the legal framework, which provides binding protection through national laws and their implementing regulations; religious moderation, which ensures that religious education fosters tolerance and rejects violent or exclusionary interpretations; and community-based strategies, which mobilize parents, educators, local leaders, and civil society to create safe and supportive environments. These strategies are situated within the normative standards of the Convention on the Rights of the Child (CRC), particularly the principles of the best interests of the child, the right to protection from all forms of violence as articulated in General Comment No. 13, and the obligation to safeguard children in both physical and digital environments as emphasized in General Comment No. 25. The contribution of this study lies in demonstrating how the alignment of law, religious pedagogy, and community engagement can serve as a replicable framework for ensuring the safety, dignity, and holistic development of children in educational institutions.

RESEARCH METHOD

This study adopts a socio-legal approach that integrates both doctrinal and empirical elements. The doctrinal dimension examines laws and regulations governing child protection and education in Indonesia, while the empirical dimension involves the analysis of secondary data, including reports, documents, and media accounts related to cases of religion-based violence in educational institutions. This combined approach allows the research to evaluate not only the normative framework of child protection law but also its practical implementation in specific contexts.

The doctrinal component involves a close reading of relevant legal texts, focusing on substantive provisions, principles, and interpretive frameworks contained in key Indonesian laws. These include Law No. 35 of 2014 on Child Protection, Law No. 20 of 2003 on the National Education System, Law No. 18 of 2019 on *Pesantren*, and Law No. 12 of 2022 on Sexual Violence Crimes. The analysis emphasizes the coherence of these laws, their underlying principles such as the best interests of the child and non-discrimination, and their alignment with international norms, particularly the Convention on the Rights of the Child (CRC). Special attention is given to the enforcement mechanisms and gaps that emerge when these provisions are applied in practice.

The empirical element relies on secondary sources rather than primary fieldwork. These include official statistical reports from the Ministry of Women's Empowerment and Child Protection (KemenPPPA), publications and case documentation from non-governmental organizations focused on child protection, reports from accredited mass media, and verified public testimonies. These sources provide an empirical

foundation for assessing how violence manifests in educational institutions, particularly religious-based violence, and how the existing legal framework responds to such incidents.

The unit of analysis for this study is Islamic educational institutions in Kudus, Central Java, including formal madrasahs, *pesantren* (Islamic boarding schools), and other community-based religious education settings. Kudus is selected as the focal point because of its rich landscape of Islamic educational institutions and documented cases of violence in religious schooling contexts. This scope allows the study to situate legal analysis within a concrete socio-cultural and institutional setting.

This research complies with established principles of research ethics in socio-legal studies. As the study does not involve human subjects or direct interviews, issues of consent are not applicable. Nevertheless, strict attention is given to anonymization when referencing sensitive testimonies or cases reported in secondary sources. The research adheres to the do-no-harm principle, ensuring that the representation of cases does not stigmatize victims, institutions, or communities, and instead contributes constructively to policy and academic discourse on child protection.

RESULTS

Legal Protection Framework

Law No. 35 of 2014 provides the primary legal foundation for safeguarding children in Indonesia, ensuring their rights to life, growth, participation, and protection from all forms of violence, exploitation, and neglect (Government of Indonesia, 2014). Article 13 explicitly guarantees that every child under the care of parents, guardians, or institutions must be protected from discrimination, exploitation, neglect, cruelty, violence, injustice, and other mistreatment. This law recognizes violence against children as both a legal violation and a social injustice, thereby obligating the state and educational institutions to act preventively and responsively. Within the context of schools and *pesantren*, this legislation affirms that acts of verbal, physical, or sexual violence cannot be justified under any disciplinary or religious pretext, and must be addressed as violations of both child rights and national law.

The National Education System Law reinforces the rights of students as participants in education. Article 12 states that every learner has the right to receive religious education according to their faith, to develop talents and interests, to receive scholarships and financial support, to transfer between equivalent programs, and to complete education in line with individual learning capacities (Government of Indonesia, 2003). These rights underscore the principle of non-discrimination and the obligation of schools to provide inclusive, fair, and safe educational services. When examined in relation to cases of violence in Kudus, the law highlights a clear normative gap: while students are guaranteed a supportive and non-coercive learning environment, many continue to experience coercion, intimidation, or even religiously justified punishment, which contradicts their legal entitlements.

Law No. 18 of 2019 acknowledges *pesantren* as formal educational institutions with a mandate to provide religious instruction, preserve tradition, and promote social harmony (Government of Indonesia, 2019). Article 3 emphasizes that *pesantren* must foster religious values, uphold morality, respect cultural traditions, maintain interfaith harmony, and strengthen love for the nation. This framework situates *pesantren* as key actors in promoting religious moderation and countering intolerance or violence conducted in the name of religion (Government of Indonesia, 2019). In practice, however, *pesantren* face challenges in fully operationalizing these mandates, particularly when authoritarian disciplinary cultures or intolerant interpretations of texts dominate. Thus, while the law positions *pesantren* as agents of moderation, its

implementation requires stronger oversight, teacher training, and alignment with broader child protection norms.

Law No. 12 of 2022 introduces comprehensive provisions to address sexual violence, explicitly criminalizing a wide spectrum of offenses, including non-physical and physical sexual harassment, forced marriage, sexual exploitation, sexual slavery, and technology-facilitated sexual violence (Government of Indonesia, 2022). The law not only prescribes severe sanctions for perpetrators but also guarantees protection for victims, including the right to restitution, medical and psychological rehabilitation, and access to integrated services. This is particularly significant in cases of sexual violence in religious schools, such as incidents in Kudus where students became victims of abuse by teachers or senior students. The law's emphasis on victim-centered protection underscores the state's responsibility to ensure that children in educational institutions are not only protected from violence but also fully supported in recovery and reintegration.

Beyond primary legislation, derivative regulations have been introduced to operationalize child protection and violence prevention in education. Permendikbudristek No. 30/2021 establishes mechanisms for preventing and handling sexual violence in higher education, offering a comparative model that highlights reporting procedures, task forces, and survivor-centered approaches (Ministry of Education, Culture, Research, and Technology of the Republic of Indonesia, 2021). Meanwhile, the Ministry of Religious Affairs Regulation (PMA) No. 73/2022 specifically addresses the prevention and management of sexual violence in religious educational institutions, including *pesantren* and madrasahs (Ministry of Religious Affairs of the Republic of Indonesia, 2022). These instruments demonstrate the government's commitment to strengthening child protection by providing concrete technical guidelines. However, effective implementation depends on harmonization across ministries, the establishment of monitoring systems, and the active participation of schools, *pesantren*, and communities in enforcing these protective measures.

To better illustrate the scope of Indonesia's legal protection framework, Table 1 synthesizes the key laws and derivative regulations that are directly relevant to child protection in educational settings. The table highlights each law's primary focus and its specific relevance to addressing violence in schools and *pesantren*, thereby clarifying the normative foundation upon which preventive and responsive strategies can be built.

Table 1 Overview of Indonesian Legal and Regulatory Frameworks for Child Protection in Schools and *Pesantren*

Law / Regulation	Focus / Key Provisions	Relevance to School & <i>Pesantren</i> Violence Cases
Law No. 35 of 2014 on Child Protection	Guarantees children's rights to life, growth, participation, and protection from discrimination, exploitation, neglect, and all forms of violence (Art. 13).	Serves as the umbrella law ensuring that violence against students, whether physical, psychological, or sexual, constitutes a legal violation and must be addressed with state responsibility.
Law No. 20 of 2003 on the National Education System	Establishes students' rights to religious education according to their faith, development of talents and interests, scholarships, non-discrimination,	Highlights that coercion, intimidation, and discriminatory practices in schools or <i>pesantren</i> directly contradict legally guaranteed student rights.

	and safe learning environments (Art. 12).	
Law No. 18 of 2019 on <i>Pesantren</i>	Recognizes <i>pesantren</i> as formal educational institutions tasked with instilling religious values, respecting tradition, fostering moderation, and promoting interfaith harmony (Arts. 3–4).	Positions <i>pesantren</i> as agents of religious moderation and tolerance, but underscores implementation challenges when authoritarian discipline or intolerant practices occur.
Law No. 12 of 2022 on Sexual Violence Crimes	Criminalizes a wide range of sexual offenses (non-physical, physical harassment, forced marriage, exploitation, cyber-based violence) and provides victim rights to restitution and rehabilitation.	Directly relevant to cases of sexual abuse in <i>pesantren</i> and TPQ, mandating criminal sanctions for perpetrators and integrated services for victims.
Permendikbudristek No. 30/2021	Regulates prevention and handling of sexual violence in higher education, including reporting mechanisms and task forces.	Provides a comparative model that can inform similar prevention and response systems in schools and <i>pesantren</i> .
PMA No. 73/2022 (Ministry of Religious Affairs)	Establishes procedures for preventing and managing sexual violence in religious educational institutions.	Offers sector-specific guidelines for <i>pesantren</i> and madrasahs, complementing national laws with technical measures for implementation.

Empirical Context in Kudus

Kudus, a regency in Central Java often referred to as the “city of *santri*,” provides an important empirical lens for examining how legal child protection frameworks intersect with everyday realities in Islamic educational institutions. Despite its strong cultural and religious traditions, the region has been repeatedly marred by incidents of violence against students in *pesantren*, TPQ, and madrasah settings. These incidents span multiple dimensions—physical, psychological, and sexual—illustrating that educational environments intended to nurture moral and spiritual development can also become spaces of vulnerability. Examining the Kudus context is crucial, as it highlights both the persistence of harmful disciplinary practices and the gaps between normative protections guaranteed by law and their actual enforcement in practice.

One of the most striking cases of physical violence in Kudus occurred in June 2024, when a male student at a *pesantren* in Dawe was forced by a senior administrator to immerse his hands in a basin of hot water as punishment for smoking. The incident, which left the victim’s hands severely blistered and required ten days of hospital treatment in Pati, was widely reported in national media and condemned by both the Ministry of Religious Affairs (Kemenag) and law enforcement authorities (Kompas, 2024). Police investigations confirmed that the *pesantren* official responsible, identified as AS, prepared a mixture of hot

and cold water and compelled fourteen students to dip their hands, resulting in injuries to two, including the victim AA (Polres Kudus, 2024). While the perpetrator admitted his actions were intended as “educational discipline,” he later expressed regret when the punishment caused serious harm. Independent media reports corroborated the details, with Elshinta (2024) noting that the incident occurred late at night without direct oversight from the kyai, raising concerns about weak supervision and the delegation of authority within *pesantren* structures. Civil society organizations such as the Kudus Women and Children Protection Network (JPPA) also intervened to provide legal and psychological support to the victim. This case demonstrates the persistence of corporal punishment practices in *pesantren*, the inadequacy of institutional safeguards, and the urgent need for systemic reforms to ensure that disciplinary practices align with legal child protection standards.

Psychological violence has also been identified in *Pondok Pesantren An-Nasuchiyyah Bae* in Kudus, which accommodates approximately 180 female students. A study by Wati (2022) documented instances of non-physical bullying reported by both administrators and students, highlighting the persistence of verbal abuse and social exclusion in *pesantren* life. One student, referred to as EV, described frequent experiences of humiliation, such as being mocked with derogatory nicknames like *krempeng* (slang for “skinny”) and *carang* (Javanese for “twig-like”), being threatened with social isolation if she refused orders from senior students, and having her private diary—where she recorded her emotions and personal reflections—confiscated and ridiculed by peers. Such acts of bullying not only caused repeated distress but also eroded her confidence to participate in class discussions, as even minimal attempts to ask questions during *ngaji* (Qur’anic recitation and study sessions) were met with ridicule in the dormitory. Testimonies from peers confirmed that EV became increasingly withdrawn, spending most of her time alone and struggling to build friendships. These findings illustrate how structural hierarchies within *pesantren* can create environments where psychological violence is normalized, leaving vulnerable students to cope silently without effective protective mechanisms (Wati, 2022).

Sexual violence in Islamic education settings has also been documented in Kudus, most notably in the case of a Qur’anic teacher (*guru TPQ*) who was convicted of sexually abusing eight female students between the ages of 5 and 12. The perpetrator, identified as MA (48), repeatedly assaulted his pupils during individual Qur’an examination sessions, exploiting his authority as a religious educator. Reports indicate that the abuse had been ongoing since mid-2020 and only surfaced after parents and community activists filed complaints, prompting intervention by the Jaringan Perlindungan Perempuan dan Anak (JPPA) Kudus (Kompas, 2022; Media Indonesia, 2022). The case proceeded to trial at the Kudus District Court, where MA was found guilty of violating provisions on child protection and sentenced to 18 years in prison along with a financial penalty (Detik, 2022). Judges emphasized that his actions not only inflicted severe psychological trauma and threatened the victims’ futures but also tarnished the credibility of religious educational institutions. JPPA subsequently provided trauma-healing assistance and coordinated with law enforcement and social services to support victims’ recovery, underscoring the urgent need for robust protective mechanisms within non-formal religious schools. This incident represents one of the most severe cases of child sexual violence in Kudus in recent years, illustrating how gaps in supervision and reporting channels leave students vulnerable even in settings traditionally viewed as safe.

Nationally, the magnitude of violence against children remains alarmingly high: according to data from the Ministry of Women’s Empowerment and Child Protection (Kemen PPPA), as of July 7, 2025, there were 14,133 reported cases of violence against women and children in Indonesia, with 12,161 female and 2,913 male victims (KemenPPPA, 2025a). Similarly, between January and mid-June 2025, the SIMFONI-PPA system recorded 11,850 cases, with sexual violence identified as the most prevalent type (KemenPPPA, 2025b). At the sub-national level, Central Java—the province that includes Kudus—reports a persistent burden:

provincial monitoring compiled from SIMFONI-PPA shows 253 child victims recorded as of March 2025, and in 2024 the distribution of violence against children was dominated by physical and psychological categories, with sexual violence comprising a substantial share (DP3AP2KB Central Java, 2025). Broader gender-based violence trends also point to systemic vulnerability, with Komnas Perempuan's CATAHU 2024 documenting 330,097 cases across reporting channels nationwide (Komnas Perempuan, 2025). Taken together, these national and provincial data confirm high baseline risk and help situate Kudus as a microcosm of the national problem—while local media-documented cases and NGO monitoring indicate additional *pesantren*-specific vulnerabilities that merit targeted prevention and protection efforts.

The Jaringan Perlindungan Perempuan dan Anak (Kudus Network for Women's and Children's Protection) Kudus has positioned itself as a key actor in child protection advocacy, consistently responding to cases of violence against children in both *pesantren* and community settings. In the high-profile case of a *santri* (Islamic boarding school student) in Dawe whose hands were severely burned after being forced to dip them into hot water, JPPA provided legal assistance by accompanying the victim's parents in filing a police report and collaborating with legal aid institutions from Universitas Muria Kudus (UMK), Universitas Muhammadiyah Kudus (UMKU), and IAIN Kudus to ensure the case was handled seriously (Antara, 2024; Lingkar Jateng, 2024). At the same time, JPPA facilitated trauma healing and medical recovery, coordinating with the Kudus District Health Office (Dinas Kesehatan Kabupaten Kudus) to provide follow-up visits and wound care for the victim after hospital discharge (Lingkar Jateng, 2024). The NGO has also intervened in cases beyond *pesantren*, such as assisting a child in Kaliwungu who was abused by a stepfather, where JPPA partnered with the Kudus Education Office (Disdikpora) to deliver psychological therapy and continuous monitoring to prevent recurring trauma (Radar Kudus, 2024). These interventions illustrate JPPA's comprehensive approach, combining legal advocacy, psychosocial support, and preventive action, and demonstrate how local civil society organizations can act as crucial safeguards when institutional protections within educational environments fall short.

Academic institutions in Kudus have also taken proactive roles in preventing violence through education, research, and advocacy. IAIN Kudus has conducted local research on bullying dynamics in *pesantren*, such as Wati's (2022) study at Pondok Pesantren An-Nasuchiyyah Bae, which documented cases of verbal harassment and psychological abuse against female students, highlighting the need for systematic interventions. Beyond research, PSGA's academic allies also promote awareness on child protection; for instance, the Faculty of Sharia at IAIN Kudus organized its first consortium in February 2025 on the theme of child protection in conflict with the law, bringing together nearly one hundred lecturers and students in a virtual forum with legal scholars to discuss strategies for safeguarding children involved in the justice system (IAIN Kudus, 2025). Similarly, Universitas Muria Kudus (UMK) and Universitas Muhammadiyah Kudus (UMKU) have collaborated with JPPA Kudus in advocacy and prevention efforts, including joint legal clinics, public campaigns, and community service programs (*pengabdian masyarakat*) aimed at raising awareness on anti-bullying and anti-violence strategies (Antara, 2024). These initiatives illustrate how universities in Kudus contribute not only to academic knowledge production but also to community engagement, linking research, advocacy, and preventive education to foster a culture of child protection and gender equality.

Religious organizations have also taken strong public stances against violence in Islamic educational environments. The Indonesian Ulema Council (MUI), through its Commission for Women, Youth, and Family (PRK), has actively promoted the protection of *santri* (Islamic boarding school students) from violence. In a 2023 roadshow at Pesantren Mahasina Darul Qur'an Wal Hadist in Bekasi, MUI emphasized that *pesantren* should embody values of peace, tolerance (*tasamuh*), moderation (*tawasuth*), and humility (*tawadhu*), rejecting all forms of violence including physical discipline and abusive tradition (MUI, 2023). Similarly, -

Pengurus Besar Nahdlatul Ulama (PBNU) acknowledged the severity of violence in *pesantren* education and declared such acts—often justified under the guise of discipline—as *harām* (forbidden) during their National Assembly (*Munas Alim Ulama*) in early 2025. PBNU emphasized that when disciplinary actions result in harm or suffering, they clearly violate Islamic principles, and announced the formation of an anti-violence task force to proactively address such incidents within educational institutions (Hidayatullah, 2025). These declarations demonstrate that mainstream Islamic organizations serve as normative guardians, actively combating the misuse of religion to legitimize violence and steering *pesantren* toward more humane, child-friendly practices. Beyond institutional leadership, gendered contributions are also significant. Abdulhamid (2017), in her study on the responsibilities of Muslim women in Nigeria, argues that women play vital roles in addressing insecurity through moral education, child upbringing, and dissemination of authentic Islamic knowledge. Her findings underscore the broader relevance of empowering Muslim women and mothers as protectors of children, suggesting that female leadership in religious and community life can be a critical component in building safe educational environments.

Community response in Kudus has frequently manifested through both demand for justice and visible public support. For instance, in November 2024, hundreds of parents of students from Pondok Pesantren Al-Fatah in Jekulo staged a peaceful protest at the Kudus District Police (Polres Kudus), expressing solidarity with their *pesantren* leader who had been named a suspect in a child exploitation case. They carried banners and offered prayers, calling on authorities for clarity while stressing their concerns about the future of their children's education (Suara Merdeka, 2024). This demonstration exemplifies how parents and broader communities actively engage—through organized pressure and advocacy—to hold institutions accountable and protect those affected by incidents in Islamic educational settings.

Enforcement Gaps

Despite the existence of a relatively comprehensive legal framework for child protection in Indonesia—including Law No. 35 of 2014, Law No. 20 of 2003, Law No. 18 of 2019, and Law No. 12 of 2022—implementation in Kudus continues to reveal structural, cultural, and administrative weaknesses. Cases documented in *pesantren* and non-formal Islamic education settings demonstrate that violence is often normalized, reporting mechanisms remain inaccessible or intimidating, and coordination among state agencies, religious authorities, and civil society actors is fragmented. These enforcement shortcomings illustrate a persistent gap between the normative protections guaranteed by law and the lived experiences of students on the ground. Addressing this discrepancy is crucial, as it not only underscores the limitations of current enforcement but also directly responds to the research gap identified earlier: the lack of integrated analysis connecting religion-based violence in schools and *pesantren* with the operationalization of Indonesia's child protection laws.

A critical barrier to enforcing child protection laws in Kudus lies in the limited accessibility of reporting mechanisms, shaped by fear, hierarchical power relations, and cultural pressures toward reconciliation. Victims of violence in *pesantren* often refrain from reporting due to fear of retaliation, shame, or social stigma, concerns that mirror findings in broader educational contexts where survivors fear not being believed, retaliation, or institutional betrayal (Adams-Clark et al., 2024; Sable et al., 2006; Zinzow & Thompson, 2011). This stigma also extends to gender perceptions: as Urbayatun, Asmorojati, and Agusta (2023) observe, Indonesian society often remains skeptical that boys can be victims of sexual harassment, which further discourages disclosure and weakens legal enforcement. Such findings confirm that enforcement gaps are not only structural but also deeply cultural, requiring broader shifts in social attitudes alongside statutory reform.

The hierarchical structure of *pesantren* further exacerbates this silence: the authority of senior *santri*, *pengurus* (administrators), and *kyai* (religious leaders) discourages victims from challenging abuses, echoing

research that highlights how asymmetric power relations between students and teachers normalize violence and impede help-seeking (Cruz & Pereira, 2013; Mastandrea et al., 2022). Moreover, cultural expectations frequently push families to resolve cases through *damai* (informal settlement), a pattern consistent with studies showing that professional and institutional barriers, coupled with fear of negative consequences, suppress reporting and reinforce underreporting (Brunborg et al., 2024; Hunt & Broadley, 2020). In Kudus, this dynamic was visible in the 2024 hot-water punishment case, where families were pressured to settle internally rather than pursue formal justice (Antara, 2024). Such barriers reveal that despite robust legal frameworks, entrenched fear, hierarchical authority, and cultural pressures significantly weaken reporting and undermine the realization of children's rights in Islamic educational institutions.

Empirical evidence from Kudus further illustrates how these barriers to reporting operate in practice. In the 2024 hot-water punishment case, where a *santri's* hands were severely burned after being forced to dip them into boiling water, initial responses revealed strong pressure for *penyelesaian kekeluargaan* (informal family settlement) rather than formal legal redress (Kompas, 2024; Polres Kudus, 2024). Reports from the Jaringan Perlindungan Perempuan dan Anak (JPPA) Kudus indicated that the victim's family faced significant social pressure to resolve the matter quietly, including attempts to dissuade them from pursuing police action, underscoring the pervasive influence of communal norms and institutional hierarchies (Antara, 2024). Such dynamics not only silence victims but also weaken accountability mechanisms, highlighting the gap between Indonesia's formal child protection framework and the lived realities of reporting violence in *pesantren*.

A further enforcement gap in Kudus is rooted in the cultural acceptance of violence under the guise of *pendidikan disiplin* (disciplinary education) or *ta'zir* (discretionary punishment in Islamic law). In *pesantren* tradition, *ta'zir* is framed as an educational tool intended to correct behavior and build moral character, ranging from verbal reprimands to more severe physical or psychological sanctions (Damopolii et al., 2023; Djalaluddin et al., 2023). While intended to instill discipline, the subjective and discretionary nature of *ta'zir* often leads to inconsistent application and opens space for abuse, particularly in hierarchical environments where *santri* are discouraged from questioning authority (Fauzi et al., 2025). In practice, punishments such as forced physical exertion, verbal humiliation, or even corporal measures are rationalized as part of character-building, despite empirical evidence showing their adverse psychological and developmental effects on children (Mujiburrahman, 2016). Moreover, the closed organizational culture of many *pesantren* and the strong authority of the *kyai* reinforce power imbalances that silence victims and normalize violence as an accepted educational method. Although some *pesantren* have begun implementing preventive strategies such as government-endorsed curricula, supportive student programs, and anti-bullying campaigns (Arif et al., 2024; Subhani et al., 2018), the persistence of punitive disciplinary practices highlights the urgent need for oversight and alignment with child protection standards.

This cultural framing is evident in the 2024 hot-water punishment case in Kudus, where the *pesantren* administrator responsible explicitly stated that his intention was to "educate the students to be responsible" (Polres Kudus, 2024). Such justification reflects how harmful disciplinary acts are rationalized as moral instruction, masking their incompatibility with both child protection laws and Islamic ethical principles. Instead of being recognized as violence, these actions are often normalized within *pesantren* culture as acceptable forms of *ta'zir*, which not only perpetuates cycles of abuse but also obstructs accountability and reform. Similar dynamics are observed beyond *pesantren*: Afriani and Denisa (2021) show that nearly half of junior high school students in Aceh reported being bullied, with verbal harassment as the most prevalent form, and that gender differences significantly shape victimization patterns. Their findings demonstrate that

normalization of peer violence in school settings is widespread across Indonesia, reinforcing how entrenched cultural norms sustain harmful practices under the guise of discipline.

The justification offered by the perpetrator illustrates how violence in *pesantren* is frequently normalized under the rubric of *ta'zir* or “disciplinary education,” creating a cultural environment where harmful practices are perceived as legitimate forms of moral correction. This normalization stands in stark contrast to the principles of child protection enshrined in Law No. 35 of 2014 and reinforced by the Convention on the Rights of the Child (CRC), both of which categorically prohibit violence in any setting, including educational institutions. While *pesantren* tradition emphasizes the formation of discipline, morality, and obedience, conflating these goals with physical or psychological punishment undermines the child’s right to dignity, safety, and holistic development. The persistence of such practices demonstrates a clash between entrenched cultural norms and formal legal obligations, highlighting the urgency of aligning *pesantren* disciplinary culture with contemporary child protection standards.

Another critical enforcement gap in Kudus lies in the fragmented coordination among institutions responsible for child protection. Law enforcement agencies, the Ministry of Religious Affairs (Kemenag), the Kudus Education Office (Disdikpora), and local NGOs such as JPPA often work in silos rather than through an integrated mechanism. In the 2024 hot-water punishment case, Kemenag publicly acknowledged its failure to prevent the abuse, expressed support for the ongoing legal process, and summoned *pesantren* leaders for supervision while promising stricter oversight, including the possibility of license revocation (Tribun News, 2024). Meanwhile, the police handled the criminal investigation, and JPPA provided legal advocacy as well as trauma healing for the victim. Although each actor responded within its institutional mandate, the absence of a shared Standard Operating Procedure (SOP) for intersectoral coordination meant that reporting, referral, and rehabilitation pathways were fragmented. The literature on intersectoral SOPs underscores that integrated systems—combining collaborative reporting, structured referral networks, and multi-professional rehabilitation services—are essential to ensure efficiency, accountability, and survivor-centered outcomes (Najafi et al., 2023; Tiron-Tudor et al., 2019; Zampolini et al., 2022). Without such a framework in Kudus, victims remain vulnerable to partial interventions, institutional overlaps, and pressure for informal settlements, all of which undermine the legal and psychosocial protections guaranteed by national law.

Another critical weakness in enforcement mechanisms concerns the protection of child victims and witnesses, particularly when cases are diverted toward *restorative justice* (RJ) settlements. While RJ has been promoted as an alternative model that emphasizes reconciliation and emotional healing, its application in child abuse cases often disadvantages victims. Research shows that although RJ can provide victims with opportunities for storytelling and may foster offender accountability, in cases of sexual and child abuse the risks of revictimization, retraumatization, and power imbalance are significant (Fridayani & Putri, 2023; McGlynn et al., 2012). Studies also demonstrate that institutional practices may prioritize offender rehabilitation over the rights of victims, resulting in inconsistent support and undermining the pursuit of justice (Choi et al., 2012; Gavin et al., 2023). Rismana et al. (2025) show that diversion mechanisms in Indonesia’s juvenile justice system remain underutilized due to structural and cultural barriers, while Utari, Arifin, and Ramada (2024) reveal that the absence of specific laws on child grooming leaves authorities with limited tools to act. Together, these findings underscore that protecting children requires both overcoming institutional weaknesses and addressing emerging digital threats through legal innovation. Beyond these structural gaps, scholars have also proposed more participatory reforms. Aprilianda et al. (2025) further propose embedding Victim Impact Statements to amplify children’s voices in judicial processes, while Astuti and Awang (2025) show that bullying regulations in Indonesia remain punitive and neglect victim recovery, underscoring the need for participatory and community-based reforms.

In *pesantren* contexts, hierarchical relations between *santri*, pengurus, and *kyai* further intensify these risks, as families often face social and cultural pressures to accept “peaceful” settlements rather than pursuing legal remedies. Such pressures are not unique to Kudus but reflect broader national trends. Komnas Perempuan’s CATAHU 2024 and 2025 reports confirm that many cases of violence against women and children in Indonesia are resolved through informal mediation, which significantly reduces deterrence for perpetrators and perpetuates cycles of abuse. This pattern underscores the urgent need to strengthen victim- and witness-protection frameworks, ensuring that legal processes prioritize child welfare over community or institutional reputations.

In sum, the legal framework for child protection in Indonesia—spanning Law No. 35 of 2014 on Child Protection, Law No. 20 of 2003 on the National Education System, Law No. 18 of 2019 on *Pesantren*, and Law No. 12 of 2022 on Sexual Violence Crimes—provides a relatively comprehensive normative foundation. Yet, the empirical realities in Kudus demonstrate that enforcement remains constrained by structural, cultural, and administrative barriers. Victims struggle to report due to fear and hierarchical power dynamics, disciplinary violence is normalized as part of *pesantren* culture, institutional coordination lacks standardized intersectoral SOPs, and many cases conclude with restorative justice settlements that disadvantage children. These enforcement gaps reveal a persistent disconnect between legal guarantees and practical protection. It is precisely this disjuncture that justifies the need for this study to propose an integrative approach, harmonizing national law with religious moderation and community-based strategies, while aligning with the international child rights standards articulated in the CRC.

Discussion

The findings of this study reveal that Indonesia already possesses a relatively comprehensive legal framework for child protection—anchored in Law No. 35 of 2014, Law No. 20 of 2003, Law No. 18 of 2019, and Law No. 12 of 2022—supplemented by derivative regulations such as Permendikbudristek No. 30/2021 and PMA No. 73/2022. Empirical evidence from Kudus demonstrates, however, that violence against children in educational settings persists across physical, psychological, and sexual dimensions. High-profile cases, such as the hot-water punishment at a *pesantren* in Dawe (Kompas, 2024), bullying at An-Nasuchiyyah Bae (Wati, 2022), and sexual abuse in a TPQ in Gebog (Detik, 2022; Kompas, 2022), illustrate how legal protections are undermined in practice. Civil society actors like JPPA have stepped in to provide legal and psychosocial support, while universities and religious organizations have promoted awareness and normative change. Yet, enforcement remains fragmented, and cultural justifications rooted in disciplinary traditions (*ta’zir*) continue to normalize harmful practices.

This gap between legal norms and lived realities underscores the limitations of positive law when confronted with entrenched cultural practices, weak institutional coordination, and power asymmetries within *pesantren* structures. On the one hand, national laws guarantee non-discrimination, safety, and rehabilitation for victims, clearly prohibiting violence in any educational context. On the other hand, in practice, students in Kudus still face barriers to reporting, restorative justice settlements that disadvantage victims, and disciplinary cultures that conflate violence with education. This disconnect highlights the insufficiency of a purely legalistic approach: without cultural transformation, robust intersectoral coordination, and community engagement, formal protections remain aspirational rather than operational. Wusu et al. (2024) show that childhood sexual abuse in Nigeria is strongly shaped by ethnicity, family structure, and religion, highlighting that legal reforms must be paired with culturally and religiously sensitive interventions. Therefore, the analysis demonstrates an urgent need for integrative strategies that harmonize statutory law with religious moderation principles and local community mechanisms, ensuring that child

protection frameworks are not only legally sound but also practically enforceable in contexts like Kudus. Parental engagement is especially crucial, as demonstrated by Azizah, Diniarti, Umar, and Suharmini (2024), who emphasize that parents' active participation plays a decisive role in supporting children's transitions and safeguarding their well-being. Although their study focuses on students with disabilities in Yogyakarta, the insight underscores a broader point: without meaningful parental involvement, institutional and legal safeguards are often insufficient to ensure effective protection for vulnerable children..

The persistence of violence in *pesantren*, despite the existence of comprehensive child protection laws, can be explained through the concept of legal pluralism, which emphasizes the coexistence of multiple normative systems—state law, religious law, and institutional customs—within one society (Griffiths, 1986). In this context, while Law No. 35 of 2014 on Child Protection and related statutes unequivocally prohibit violence against children, *pesantren* maintain their own disciplinary framework grounded in the principle of *ta'zir* (discretionary punishment in Islamic jurisprudence). *Ta'zir* is culturally legitimized as a corrective tool intended to instill moral discipline, yet its discretionary nature allows punishments that, in practice, often conflict with statutory protections. This dualism creates a normative tension: on one hand, the state mandates the elimination of violence in all educational institutions; on the other hand, *pesantren* communities frequently defer to the moral authority of *kyai* and long-standing institutional traditions, thereby overshadowing legal prohibitions. As a result, the implementation of state child protection law becomes diluted, with statutory norms subordinated to the internal logic of religiously framed discipline, ultimately leaving students vulnerable to practices that contravene their legal rights.

Based on Lawrence Friedman's (1975) legal system theory, the effectiveness of law is determined not only by the *legal structure*—formal institutions such as courts and law enforcement agencies—or the *legal substance*, which refers to statutory norms and regulations, but also by the dimension of *legal culture*, namely the values, attitudes, and perceptions of society toward the law. In the context of child protection in Indonesia, particularly in cases of violence within Kudus *pesantren*, it is evident that although the legal structure and substance are relatively comprehensive, the prevailing legal culture often prioritizes social harmony (*damai*), institutional reputation, or local norms over the application of formal legal principles. This explains why many cases of violence are resolved through non-judicial mechanisms or internal settlements, thereby weakening the coercive power of the law and resulting in inadequate protection of children's rights.

At the same time, Michel Foucault's (1977) theory of disciplinary power provides a critical lens for understanding how *pesantren* sustain practices of control and normalization through hierarchical surveillance and authority. Within these institutions, the asymmetrical power relations between *santri* (students), *pengurus* (administrators), and *kyai* (religious leaders) function as mechanisms of discipline that condition obedience and silence. Punitive practices framed as *ta'zir* (discretionary punishment) are legitimized not only by tradition but also by the internalized acceptance of authority, whereby students learn to associate submission with moral development. This disciplinary regime operates through both overt sanctions and subtle social pressures, producing compliant subjects who rarely challenge abuse. When situated alongside Friedman's emphasis on legal culture and Griffiths' notion of legal pluralism, Foucault's perspective highlights how legal guarantees of child protection are underenforced in Kudus because they are mediated and reshaped by entrenched cultural norms, hierarchical authority, and institutional practices that override the normative framework of state law.

Extending these findings comparatively, patterns observed in Kudus mirror evidence from other contexts where Islamic boarding schools or faith-based settings operate within strong hierarchical cultures. In Pakistan, for example, national law prohibits corporal punishment, yet practice persists in madrasa environments because disciplinary norms remain culturally legitimized and oversight is weak (Mehmood et al., 2022). In Bangladesh, studies document widespread physical punishment and verbal humiliation in

schools despite formal bans, with poverty and institutional tolerance predicting higher prevalence and delayed disclosure (Atiqul Haque et al., 2017; Sultana et al., 2019). Across parts of sub-Saharan Africa, abolitions have not automatically reduced violent discipline: South African research finds corporal punishment continuing after legal prohibition, while schoolwide adoption of positive behavioral interventions and supports (PBIS) shows promise in disadvantaged settings (Gagnon et al., 2021; Shaikhmag & Buabeng Assan, 2014). Outside strictly Islamic contexts, Tanzanian and Jamaican studies likewise show that harsh discipline correlates with externalizing behaviors and that teacher-training interventions can reduce classroom violence and improve child outcomes (Baker-Henningham et al., 2019; Hecker et al., 2014). Taken together, these international cases converge with Kudus on three mechanisms: normalization of punitive discipline as “education,” barriers to reporting created by power asymmetries and stigma, and fragmented institutional responses that leave victims underprotected (Firdaus et al., 2025).

Comparative lessons point to concrete design features for Indonesia’s child-protection regime in *pesantren*: explicit prohibition and definition of violent discipline within school policies and codes of conduct; mandated, survivor-centered reporting channels that bypass internal hierarchies and ensure confidentiality; cross-sector referral pathways to health, social services, and law enforcement; and systematic capacity-building for educators in PBIS (Positive Behavioral Interventions and Supports), social-emotional learning, and trauma-informed practice. Jurisdictions that paired legal reform with teacher professional development and school-climate interventions achieved more sustainable reductions in violence than legal bans alone (Baker-Henningham et al., 2019; Gagnon et al., 2021). For *pesantren*, these elements should be harmonized with religious moderation curricula and child-safeguarding standards so that disciplinary aims are achieved without violating children’s rights, aligning institutional culture with national law and international child-rights norms.

The findings of this study carry significant social, historical, and ideological implications. Socially, the findings demonstrate that child protection in *pesantren* cannot be understood merely as a matter of legal compliance but must also engage with entrenched cultural logics and communal values that shape everyday practices. Studies show that cultural practices significantly influence child protection responses, either by reinforcing risks or by providing protective communal norms (Murovea et al., 2010; Raman & Hodes, 2012). For instance, research in Indonesia and other contexts highlights that community-based mechanisms often struggle to balance statutory child rights protections with local traditions, underscoring the need for culturally contextualized interventions that link formal law with lived social realities (Abdullah et al., 2023; Stark et al., 2012).

Historically, the persistence of disciplinary violence framed as *ta’zir* reflects a legacy of hierarchical pedagogy in Islamic boarding schools, where authority and obedience have long been central to moral formation. In Islamic legal thought, *ta’zir* refers to discretionary punishments aimed at correction and deterrence, often justified as having educational value (Djalaluddin et al., 2023). Yet, its discretionary nature also allows wide latitude for interpretation, creating risks of misuse or excessive severity when authority figures exercise power without adequate oversight (Tarigan, 2017). Within the *pesantren* tradition, these practices are embedded in a strongly hierarchical educational structure, where the authority of the *kyai* and administrators shapes student behavior and obedience, reinforcing a pedagogy of submission (Junaedi et al., 2025). This model of authority has historically facilitated discipline but also contributed to the normalization of coercion and silence, particularly in contexts where bullying and even sexual violence emerge as unintended consequences of power imbalances (Arif et al., 2024; Fauzi et al., 2025). While *pesantren* leaders often frame *ta’zir* as moral correction to safeguard students from deviance or radicalism (Subhani et al., 2018), the persistence of such practices demonstrates how historical legacies of hierarchical pedagogy

continue to shape disciplinary cultures in ways that sometimes conflict with modern child protection principles.

Ideologically, the persistence of disciplinary practices in *pesantren* framed as *ta'zir* illustrates a deep tension between universal child rights norms and local religious discourses that legitimate coercion as part of education. On the one hand, the United Nations Convention on the Rights of the Child (CRC) establishes universal protections guaranteeing children freedom from violence, discrimination, and coercion in all educational contexts (Brando, 2019; Goldhagen et al., 2020). On the other hand, *pesantren* traditions often draw upon Islamic jurisprudential concepts such as *ta'zir*, interpreted as discretionary punishment to instill moral discipline, which can be normalized as “educational correction” rather than recognized as violence (Toosi & Jamil, 2020). This creates a normative conflict between global human rights frameworks, which prioritize the child’s autonomy and dignity, and local pedagogical logics that emphasize obedience and authority as essential to moral formation (Müller, 2020; Temperman, 2016). The result is a contested ideological space where the legitimacy of coercive practices is defended through religious reasoning even as international law categorically prohibits them. Reconciling these competing discourses requires a nuanced approach that respects cultural and religious contexts while ensuring that children’s rights to safety, dignity, and participation remain paramount.

The findings of this study carry both functional and dysfunctional implications for child protection in *pesantren*. Functionally, the identification of enforcement gaps highlights the growing awareness among civil society, universities, and religious organizations of the need to reform *pesantren* disciplinary cultures, strengthen intersectoral coordination, and align local practices with national and international child protection standards. This creates opportunities for policy innovation, community engagement, and the integration of religious moderation with legal frameworks.

However, dysfunctionally, the persistence of violence legitimized as *ta'zir*, coupled with cultural pressures to resolve cases informally, indicates that legal reforms alone may inadvertently reinforce impunity if not accompanied by cultural change. Comparative evidence demonstrates that similar patterns occur across diverse contexts: in Bulgaria, cultural factors limited the practical implementation of psychiatric treatment laws, creating a gap between written and applicable law (Boyadjiev & Onchev, 2007); in Kazakhstan, deep-rooted cultural attitudes continue to undermine legal reforms addressing violence against women (Turarbekova et al., 2025); and in Malaysia, the misinterpretation of Islamic teachings has been used to justify spousal violence despite legal protections (Che Soh et al., 2012). Resistance to reform is also observable in Sudan, where authoritarian manipulation obstructed sexual violence law reforms and delegitimized activists as “enemies of the state” (Tønnessen, 2017). Even in China, reliance on informal mediation has been shown to weaken the enforcement of formal dispute resolution mechanisms (Di & Wu, 2009). In the Kudus *pesantren* context, these dynamics resonate strongly: reliance on family settlement (*damai*) and deference to kyai authority perpetuate cycles of abuse while eroding the deterrent effect of statutory law. The tension between protecting children’s rights and preserving *pesantren* autonomy further risks producing resistance from conservative stakeholders, potentially delaying or diluting reforms aimed at strengthening child protection.

Building on these insights, this study proposes four key strategies to strengthen child protection in *pesantren*. First, harmonization of the legal framework is essential, ensuring that the provisions of Law No. 23/2002 as revised by Law No. 35/2014 on Child Protection, Law No. 20/2003 on the National Education System, Law No. 18/2019 on *Pesantren*, Law No. 12/2022 on Sexual Violence Crimes, Permendikbudristek No. 30/2021, and PMA No. 73/2022 are consistently integrated and enforced across religious educational settings. Second, active involvement of communities both inside and outside *pesantren* is critical, enabling parents, local NGOs, and broader civil society actors to function as allies in child safeguarding. Third,

embedding religious moderation values among teachers, administrators, and students can help reshape disciplinary cultures, aligning *pesantren* authority structures with inclusive, non-violent, and child-centered educational practices. Finally, *pesantren* must adopt and implement explicit anti-violence policies rooted in national law, strengthened through community participation and informed by principles of religious moderation, to ensure that protective measures are internalized within institutional practice rather than treated as external impositions. Together, these strategies underscore the importance of integrative, multi-level interventions that combine statutory enforcement, cultural transformation, and community-based support to break cycles of violence and safeguard the rights and dignity of *santri*.

CONCLUSION

The findings of this study demonstrate that although Indonesia possesses a relatively comprehensive legal framework for child protection—anchored in Law No. 35 of 2014, Law No. 20 of 2003, Law No. 18 of 2019, and Law No. 12 of 2022—its enforcement in Kudus *pesantren* remains limited by cultural norms, institutional fragmentation, and entrenched power hierarchies. The persistence of violence, often justified as *ta'zir* or “disciplinary education,” reveals the inadequacy of purely legalistic solutions and underscores the need for an integrative approach that combines statutory law, religious moderation, and community-based strategies aligned with the Convention on the Rights of the Child (CRC).

Building on these insights, several policy recommendations emerge. First, harmonization of regulations across ministries is essential, particularly to ensure consistent implementation of PMA No. 73/2022 and related frameworks. Second, schools and *pesantren* should be required to adopt standardized SOPs for prevention, reporting, referral, and rehabilitation, supported by mandatory reporting mechanisms for educators and administrators. Third, a robust monitoring and evaluation (M&E) system must be established, with measurable indicators to track compliance, reduce reliance on informal settlements, and strengthen accountability across institutions. Together, these reforms would embed child protection as both a legal mandate and an operational reality.

This study contributes to the broader international literature by situating child protection in the context of religious schooling, highlighting how legal pluralism, cultural norms, and disciplinary traditions shape the enforcement of statutory protections. In doing so, it provides a comparative perspective for global discussions on balancing children’s rights with the autonomy of faith-based educational institutions, offering lessons that may be applicable in other contexts where religion and education intersect.

Nevertheless, the study has limitations. Its empirical scope is confined to Kudus and relies primarily on documented cases, secondary sources, and institutional reports. Future research should expand through large-scale national surveys to capture broader patterns of violence and reporting barriers, as well as comparative studies across countries with strong traditions of Islamic boarding schools. Such research would not only deepen theoretical understanding but also inform evidence-based policy reforms aimed at ensuring safe and rights-respecting educational environments for all children.

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