

Integrating Islamic Law and National Regulation in Protecting Children's Rights in Pesantren: A Socio-Legal Perspective

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ABSTRACT

*Pesantren holds a strategic position in shaping the character and morals of the younger generation, but complex social dynamics present new challenges related to child protection. Various cases of physical, psychological, and sexual violence occurring in a number of Islamic boarding schools have raised public concern and highlight the suboptimal protection of children's rights in religious educational institutions. Although the government has issued the Regulation of the Director General of Islamic Education Number 1262 of 2024 concerning Child-Friendly Islamic Boarding Schools, academic studies are still limited to historical aspects and the function of Islamic boarding school education, resulting in a research gap in understanding the integration of Islamic law principles with state regulations in realizing a child-friendly Islamic boarding school education system. This research uses a qualitative approach with an empirical-legal method. Data was collected through in-depth interviews, field observations, and document studies, then analyzed descriptively-analytically by linking empirical findings with Islamic legal norms and legislation. The research findings indicate that the implementation of the child-friendly pesantren concept at Pondok Pesantren Nurul Cholil Bangkalan has been substantively successful, although it still faces structural obstacles such as limited facilities and cultural barriers like harsh traditional disciplinary patterns. In principle, pesantren practices align with the *maqāṣid al-sharī'ah* in Islam and most of the indicators in Perdirjen 1262/2024. However, there is a need to improve human resource capacity and institutional commitment to ensure the effectiveness and sustainability of the program.*

ABSTRAK

Pesantren memiliki posisi strategis dalam pembentukan karakter dan moral generasi muda, namun dinamika sosial yang kompleks menghadirkan tantangan baru terkait perlindungan anak. Berbagai kasus kekerasan fisik, psikis, dan seksual yang terjadi di sejumlah pesantren menimbulkan keprihatinan publik serta menunjukkan belum optimalnya perlindungan hak anak di lembaga pendidikan keagamaan. Meskipun pemerintah telah menerbitkan Peraturan Dirjen Pendidikan Islam Nomor 1262 Tahun 2024 tentang Pesantren Ramah Anak, kajian akademik masih terbatas pada aspek historis dan fungsi pendidikan pesantren, sehingga terdapat kesenjangan penelitian dalam memahami integrasi prinsip hukum Islam dengan regulasi negara dalam mewujudkan sistem pendidikan pesantren yang ramah anak. Penelitian ini menggunakan pendekatan kualitatif dengan metode yuridis-empiris. Data dikumpulkan melalui wawancara mendalam, observasi lapangan, dan studi dokumentasi, kemudian dianalisis secara deskriptif-analitis dengan mengaitkan temuan empiris dengan norma hukum Islam dan peraturan perundang-undangan. Hasil penelitian menunjukkan bahwa implementasi konsep pesantren ramah anak di Pondok Pesantren Nurul Cholil Bangkalan telah berjalan secara substantif, meskipun masih menghadapi hambatan struktural berupa keterbatasan fasilitas dan hambatan kultural berupa pola disiplin tradisional yang keras. Secara prinsip, praktik pesantren selaras dengan *maqāṣid al-sharī'ah* dalam Islam serta sebagian besar indikator Perdirjen 1262/2024, namun dibutuhkan peningkatan kapasitas sumber daya manusia dan komitmen kelembagaan untuk memastikan efektivitas dan keberlanjutan program.

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A. INTRODUCTION

Pesantren is the oldest Islamic educational institution in Indonesia, existing long before the country's independence.¹ In the trajectory of Indonesian Islamic educational civilization, pesantren play a vital role, not only teaching religious knowledge but also serving as a base for resistance against Dutch colonialism.² As they have developed, pesantren have proven to be an important pillar in shaping young generations who are moral, knowledgeable, and contribute to society. Therefore, it's no surprise that pesantren have transformed and developed into the largest Islamic educational institutions with millions of students and thousands of institutions across Indonesia.

On the other hand, amidst rapid social change, pesantren face new challenges, particularly regarding the fulfillment of children's rights and their protection from various forms of violence.³ The issue of violence against children continues to be a public concern as the number of cases increases. According to the latest data from the Ministry of Women's Empowerment and Child Protection (KemenPPPA), there were at least 14,039 cases of violence against women and children as of July 3, 2025.⁴ Within the dynamics of pesantren education itself, this attention is unavoidable, especially with the emergence of violence against students, ranging from physical to sexual violence.⁵ In recent decades, a number of incidents of physical, psychological, and sexual violence against students in Indonesian pesantren have come to light, reflecting the conflict between authoritarian ta'dib educational practices and Islamic values that emphasize *rahmah* (compassion), *'adālah* (justice), and the protection of children as a trust.⁶

From this phenomenon, the issue of violence in pesantren is a significant national issue because it not only reflects internal conflict between authoritarian *ta'dib* practices and Islamic values that emphasize compassion, but also concerns violations of children's rights, weak oversight of religious educational institutions, and its impact on the image of pesantren as a pillar of Islamic education in Indonesia. This phenomenon raises public concern about the safety of students living in pesantren, as such violence not only impacts physical health but also leads to long-term psychological trauma.⁷ This also presents a challenge for the country in consistently enforcing child protection regulations, including in pesantren environments.

¹ Akhmad Nurul Kawakip and Sulanam Sulanam, "The Practice Of Shared Of Values And Islamic Educational Identity: Evidence from a Pesantren in East Java, Indonesia," *Journal Of Indonesian Islam* 17, no. 1 (2023): 27, <https://doi.org/10.15642/JIIS.2023.17.1.27-53>.

² Irwan Irwan et al., "Menelusuri Warisan Kebijakan Pendidikan Islam Di Masa Kolonial Belanda," *Fitrah: Jurnal Studi Pendidikan* 15, no. 2 (2024): 118–34, <https://doi.org/10.47625/fitrah.v15i2.631>.

³ Moh Roqib, "Increasing Social Class through Islamic Boarding Schools in Indonesia," *Journal of Social Studies Education Research* 12, no. 2 (2021): 305–29.

⁴ "Menteri PPPA: Banyak Perempuan Dan Anak Korban Kekerasan Tidak Berani Melapor," accessed August 24, 2025, <https://www.kemenpppa.go.id/siaran-pers/menteri-pppa-banyak-perempuan-dan-anak-korban-kekerasan-tidak-berani-melapor>.

⁵ Titi Stiawati and Alya Nurayu Sulisman, "The Phenomenon of Child Abuse in Islamic Boarding Schools: A Power Relations Perspective and Islamic Education Reform," *Journal of Governance* 10, no. 2 (2025), <https://doi.org/10.62870/jog.v10i2.30979>.

⁶ Mohammad Muchlis Solichin | Wahab Sahirul Alim | Jamal Abd Nasir, *Perlindungan Anak Terhadap Kekerasan Di Pesantren: Perspektif Hukum Terhadap Pendidikan Islam* (Penerbit Kbm Indonesia, 2025); Bagas Miqdad Abdillah et al., "Upaya Pencegahan Pelecehan Seksual Dalam Lingkungan Pendidikan Pesantren Di Indonesia," *Moderasi: Jurnal Kajian Islam Kontemporer* 1, no. 01 (2022), <https://journal.forikami.com/index.php/moderasi/article/view/490>.

⁷ Oddgeir Friborg et al., "Violence Affects Physical and Mental Health Differently: The General Population Based Tromsø Study," *PLOS ONE* 10, no. 8 (2015): e0136588, <https://doi.org/10.1371/journal.pone.0136588>.

From the perspective of the objectives of Islamic law itself, education must guaranty the protection of life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-ʿaql*), and offspring (*ḥifẓ al-nasl*), so that children are placed as a trust that must be protected in their continued existence and dignity.⁸ This perspective is reinforced by the ethics of Nusantara Islam, which emphasizes moderation, compassion, and inclusivity, grounding the noble values of Islam within the Indonesian context.⁹ This principle closely aligns with the theory of Child Rights, which emphasizes the importance of a learning environment that respects children's rights. This is because the theory of child rights is based on the principle that children have the same fundamental rights as adults, but also have specific rights that recognize their unique needs as growing and developing individuals.¹⁰ Both the *maqāṣid* and modern theories of children's rights fundamentally assert that every form of violence against children is not only a moral violation but also a denial of the fundamental goals of Islamic education and human rights.

However, when these normative principles are confronted with reality, there appears to be a gap between the ideal values and their implementation in the field. The state has issued legal instruments such as Law No. 35 of 2014 concerning Child Protection and Director General of Islamic Education Regulation No. 1262 of 2024 concerning Child-Friendly Islamic Boarding Schools, which explicitly regulate the obligation of educational institutions to create a safe environment for children. This is where the gap between the objectives of Islamic law (*maqāṣid al-sharīʿah*), child rights theory, and state regulations is evident, demanding serious evaluation to ensure that pesantren truly become safe educational spaces while reflecting the values of Islam as a mercy to all beings.

Several studies have been conducted, primarily in the discussion related to violence against children. The research by Albert & Sesmiarni identified a low level of understanding regarding the implementation of Child-Friendly Pesantren in West Sumatra, despite the guidelines being in place since 2020, indicating a gap in socialization and monitoring.¹¹ Meanwhile, research on Child-Friendly Islamic Boarding Schools shows that the implementation of positive discipline at Al Anwar Islamic Boarding School significantly reduces violence and bullying.¹² On the other hand, research conducted by Siti Qomala Khayati highlighted the phenomenon of sexual violence in pesantren and emphasized the need for a child protection system that is sensitive to the traditional power dynamics of pesantren.¹³ Additionally, research in the International Journal of Children's Rights concluded

⁸ Mirwan Mirwan, "Maqāṣid Al-Sharīʿah and Family Resilience: Exploring the Concept of Wasā'il in Jamaluddin 'Aṭṭīyah's Thought," *Journal of Islamic Thought and Philosophy* 4, no. 1 (2025): 78–105, <https://doi.org/10.15642/jitp.2025.4.1.78-105>.

⁹ Hasbiyallah Hasbiyallah et al., "Indonesian Fiqh in Higher Education: A Pathway to Moderate and Inclusive Islamic Values," *Jurnal Pendidikan Islam* 10, no. 1 (2024): 149–62, <https://doi.org/10.15575/jpi.v10i1.26151>.

¹⁰ Geraldine van Bueren, *The International Law on the Rights of the Child* (Martinus Nijhoff Publishers, 2021).

¹¹ Abert Albert et al., "Development of a Competency-Based Training Model for Child Friendly Pesantren Teams," *Ta'dib* 28, no. 1 (2025): 147–54, <https://doi.org/10.31958/jt.v28i1.15449>.

¹² Dina Arvi Arina Zulva et al., "Pesantren Based on Child-Friendly: Countering the Bullying Cases in Pesantren," *Santri: Journal of Pesantren and Fiqh Sosial* 5, no. 1 (2024): 115–28, <https://doi.org/10.35878/santri.v5i1.1271>.

¹³ Siti Qomala Khayati, "Islamic Boarding Schools as a Solution to Child Violence: A Holistic Approach to Character Education : Islamic Boarding Schools as a Solution to Child Violence: A Holistic Approach to Character Education," *Qoumun: Journal of Social and Humanities* 1, no. 1 (2025): 61–71.

that the effective implementation of children's rights in religious institutions requires adaptation to local values and religious norms, not simply top-down policies.¹⁴

The previous research showed a contradiction: on the one hand, child-friendly pesantren guidelines are available, but their implementation is still weak due to insufficient socialization and monitoring; on the other hand, the application of positive discipline has proven effective in reducing violence, but cases of sexual violence rooted in traditional power relations remain prevalent, indicating a structural problem that cannot be solved by regulation alone. Additionally, international studies confirm that the implementation of children's rights in religious institutions requires adaptation to local values and religious norms so that it doesn't simply remain a one-way policy. In this context, this research aims to bridge this gap by integrating the principles of *maqasid al-syari'ah* and state regulations, thus offering a framework that is more contextual and rooted in pesantren traditions, while remaining aligned with nationally applicable child protection standards.

This research aims to analyze the implementation of the Child-Friendly Islamic Boarding School concept at Nurul Cholil Islamic Boarding School in Bangkalan by examining the extent to which Islamic principles—particularly the *maqāṣid al-sharīʿah*, which emphasizes the protection of children's lives, minds, and dignity—can be integrated with the national legal framework as outlined in the Director General of Islamic Education Regulation No. 1262 of 2024. Furthermore, this research aims to identify the structural, cultural, and power relations barriers that still hinder the effectiveness of child protection in pesantren environments, while also offering a conceptual framework that connects religious norms with state regulations to strengthen safe, humanistic, and just educational practices for students.

B. METHODS

The research method used in this study is a qualitative approach with an empirical-legal research type.¹⁵ Researchers chose this approach because they wanted to directly understand how the concept of child-friendly pesantren is implemented in practice, not just at the normative level. The research object of this study is the Nurul Cholil Islamic Boarding School in Bangkalan, Madura, which was chosen because it is representative as a large traditional Islamic boarding school in Madura. The focus of this research includes aspects of internal pesantren policies, parenting practices, and the compatibility between Sharia values and state regulations in protecting the rights of students.

Field data was obtained thru observation, interviews, and document analysis of the pesantren, then analyzed by comparing it to the principles of *maqāṣid al-sharīʿah* and state regulations, particularly the Director General of Islamic Education Regulation No. 1262 of 2024. In this way, disciplinary and parenting practices in pesantren are not only understood as social phenomena, but also tested for their compatibility with Islamic legal norms and applicable positive legal provisions.

¹⁴ Jessica J. Laird et al., "Toward a Global Definition and Understanding of Child Sexual Exploitation: The Development of a Conceptual Model," *Trauma, Violence, & Abuse* 24, no. 4 (2023): 2243–64, <https://doi.org/10.1177/15248380221090980>.

¹⁵ Nilhakim Nilhakim, "Penelitian Hukum Keluarga Islam Dalam Kajian Empiris," *Lunggi Journal* 1, no. 3 (2023): 418–29.

C. RESULTS AND DISCUSSION

1. The Implementation of the Child-friendly Islamic Boarding School Concept

Based on the results of in-depth interviews, field observations, and document analysis at the Nurul Cholil Islamic Boarding School in Bangkalan, a number of factual data were obtained regarding the implementation of the child-friendly Islamic boarding school concept based on the Director General of Islamic Education Regulation Number 1262 of 2024. In brief, the findings can be seen in the following analysis table and are then explained in detail in the discussion that follows.

Table 1. Analysis of Research Findings

Aspect of Inquiry	Key Findings	Status of Implementation
Pesantren Policy	There is no formal Standard Operating Procedure (SOP) yet regarding child-friendly caregiving.	Suboptimal
Caregiving Practices	Harsh verbal practices are still occasionally found among senior caregivers; however, some younger <i>ustadz</i> have begun to adopt a more humanistic approach.	Partially implemented
Student Participation	No formal mechanism has been established to accommodate students' voices within the caregiving system.	Weak
Caregiver Training	No specialized training on child-friendly caregiving has been organized to date.	Not available
Islamic Legal Perspective	A normative understanding of child protection rooted in <i>maqāṣid al-sharī'ah</i> and the value of <i>rahmah</i> has begun to take hold.	Partially internalized
Alignment with Perdirjen No. 1262	Several indicators have been met (such as ensuring a safe environment and supporting spiritual activities); nevertheless, systematic implementation across all aspects remains incomplete.	Partially fulfilled

2. Lack of Caregiving Regulations and Verbal Abuse Practices

It was found that pesantren do not yet have written policy documents such as SOPs or internal guidelines that explicitly contain the principles of child-friendly caregiving. There are no regulatory mechanisms governing the limits of caregivers' treatment of students, the sanction mechanisms for violations, or the grievance protocols for students. Some officials admitted they were not yet aware of the content or substance of the Director General of Islamic Education Regulation No. 1262 of 2024. There are also no specific units or institutional structures dedicated to child protection within the Nurul Cholil Islamic boarding school environment. On the other hand, interviews with five students and three caregivers revealed that verbal abuse still frequently occurs in daily educational processes. Shouting, cursing, and harsh reprimands are considered normal and part of character education. One student stated that if he made a small mistake, such as being late for congregational prayer, he would often receive a harsh scolding in public.

The absence of a written policy explicitly regulating child-friendly caregiving at the Nurul Cholil Islamic boarding school indicates a lack of institutional structure to ensure systematic child protection. The absence of structured reporting mechanism indicates that caregiving responsibility is still individual and not bound by institutional systems or ethical standards. This gives caregivers broad interpretive freedom in disciplining students, which often leads to

verbal violence that is standardized as part of "character education." Research by Firdaus et al. states that pesantren, as traditional educational institutions, still face resistance to the institutionalization of children's rights values due to the dominance of the authoritarian paradigm in the relationship between caregivers and students.¹⁶

The practice of verbal violence found in this study is not an incidental occurrence, but rather a form of structural violence legitimized by the absence of regulation and institutional culture.¹⁷ The finding that yelling and cursing are considered "normal" indicates that these forms of violence have been absorbed into the pedagogical memory of pesantren and passed down as part of inherited disciplinary practices. As stated by Valerie Michaelson and Ron Ensom, when educational institutions fail to distinguish between discipline and violence, violence becomes an integral part of the legalized system of social control.¹⁸ In the context of pesantren, the absence of institutional mechanisms actually strengthens the symbolic power of the caretaker over the students without any corrective or evaluative mechanisms.

From a child protection theory perspective, these findings indicate weak implementation of the child safeguarding principle, which requires educational institutions to ensure the physical and psychological safety of students.¹⁹ In another study, it was emphasized that verbal abuse, although it doesn't leave physical marks, has a long-term impact on a child's emotional development and self-esteem, especially in boarding school environments and single-authority settings.²⁰

Without a child protection unit or an internal reporting system, students are in a vulnerable position that not only limits their right to comfort but also denies them access to internal justice. Researchers believe that the main problem is not just the absence of policy, but the failure of institutions to interpret children's rights as an integral part of the Islamic value system itself. In the interview, some caregivers understood the concepts of *rahmah* (compassion) and *hikmah* (wisdom) as the foundation of education, but these values had not yet been institutionalized as behavioral standards in caregiving. This lack of integration between normative values and structural practices strengthens the argument that child protection in pesantren is still idealistic and has not been articulated within the governance system. Because the effectiveness of child protection policies, especially in pesantren, is largely determined by the availability of internal regulatory frameworks accompanied by continuous training and guidance for caregivers.²¹

¹⁶ Dede Ridho Firdaus et al., "Analisis Model Kepemimpinan Kharismatik Dan Visioner Di Pondok Pesantren," *Journal on Education* 5, no. 4 (2023): 15038–49, <https://doi.org/10.31004/joe.v5i4.2588>.

¹⁷ Brianna Jackson and Lois S. Sadler, "Structural Violence: An Evolutionary Concept Analysis," *Journal of Advanced Nursing* 78, no. 11 (2022): 3495–516, <https://doi.org/10.1111/jan.15341>.

¹⁸ Valerie Michaelson and Ron Ensom, "Ending the Social Normalization of Violence against Children in Canada: A Framework, Rationale, and Appeal to Canadian Faith Leaders," *International Journal of Environmental Research and Public Health* 19, no. 24 (2022): 17016, <https://doi.org/10.3390/ijerph192417016>.

¹⁹ Alexander Russell et al., "Domestic Violence and Abuse in Local Child Safeguarding Policy: How Is the Problem Represented?," *Health & Social Care in the Community* 30, no. 6 (2022), <https://doi.org/10.1111/hsc.14086>.

²⁰ Gülhan Küçük Öztürk et al., "'On the Slope of an Erupting Volcano': A Qualitative Study on the Workplace Violence Experiences of Psychiatric Nurses," *Journal of Psychiatric and Mental Health Nursing* 31, no. 4 (2024): 515–24, <https://doi.org/10.1111/jpm.13003>.

²¹ David Cyrill Lätsch et al., "Evaluating Assessment Tools in Child Protection: A Conceptual Framework of Internal and Ecological Requirements," *Child Abuse Review* 30, no. 6 (2021): 508–19, <https://doi.org/10.1002/car.2728>.

Thus, the development of child-friendly caregiving SOPs is not merely an administrative obligation, but a fundamental effort to build a protection system based on Islamic values and national law. Beside serving as a prevention against violent practices, SOPs also function as a tool for internal reflection and accountability within pesantren in fostering the holistic and humane character development of students.

3. Fragmentation of Caregiving Patterns and the Closedness of Student Aspirations in Pesantren

There are quite striking differences in caregiving patterns between senior caregivers and young ustaz. Senior caregivers tend to adopt an authoritative approach and adhere to the principle of "firmness for discipline." Meanwhile, young ustazs tend to use a more dialogical approach and pay attention to the emotional state of the students. However, the approach used by this young ustaz is not supported by the formal system, so it lacks institutional strength. This variation in approach leads to a lack of uniformity in the treatment of students within the same institution.

Researchers did not find any complaint facilities or violation reporting systems accessible to students. There are no suggestion boxes, aspiration forums, or dedicated staff authorized to receive and follow up on complaints. In interviews, students stated that if they experienced discomfort or violence, they tended to remain silent or talk about it with their peers. Most felt they didn't dare to directly complain to the caregivers for fear of receiving worse treatment.

The difference in caregiving styles between the authoritative senior caregivers and the more dialogical young ustaz, coupled with the absence of a complaint reporting mechanism, indicates a fragmentation of values and a weak institutional system within the pesantren. Theoretically, this condition confirms the relevance of theories about authoritarianism versus democratic caregiving, where the absence of institutional standards widens the inequality in the treatment of children.²² This variation, in a context without standards, gives rise to structural injustice for students who experience inconsistent treatment. This aligns with the theory of authoritative versus democratic caregiving in an institutional context, which emphasizes that the absence of standardization in religious educational institutions widens the gap in unequal treatment of children.²³

This academically confirms that the absence of an institutional framework is not merely a technical issue, but a form of structural injustice that impacts the psychosocial development of students. This limits the early detection of potential violence or neglect, and also closes off the possibility of internal evaluation. In the context of pesantren, where power relations are highly structured, the existence of an internal reporting system is crucial to ensure that students do not become victims of such asymmetrical relationships. Religious-based educational institutions will be more effective in child protection if they can develop a mechanism of "accountable listening," which is a system or concept where someone not only

²² Howard Sanborn and Clayton L. Thyne, "Learning Democracy: Education and the Fall of Authoritarian Regimes," *British Journal of Political Science* 44, no. 4 (2014): 773-97, <https://doi.org/10.1017/S0007123413000082>.

²³ Ropitasari et al., "Effect of Caregiving Style on the Incidence of Sibling Rivalry in Children in Surakarta, Central Java," *Journal of Epidemiology and Public Health* 10, no. 2 (2025): 234-42, <https://doi.org/10.26911/jepublichealth.2025.10.02.09>.

hears the words spoken but is also responsible for their understanding and subsequent actions.²⁴

This indicates the institution's failure to implement the principle of child participation, which is a fundamental right as outlined in the Convention on the Rights of the Child (CRC) and affirmed in Law No. 35 of 2014. The results of this study support the findings that the Islamic education system tends to treat children solely as objects of instruction, rather than as subjects who have the right to have a voice in decisions concerning their well-being.²⁵

Researchers believe that the differences in caregiving approaches without a formal framework are a symptom of the absence of institutional value reconstruction. Pesantren tend to maintain the tradition of seniority as a standard without opening up space for criticism or intergenerational dialog. Without standardized caregiving policies and a system of aspirations for students, character development loses its principles of justice and openness. If left unmanaged, this fragmentation not only harms the students psychosocially but also weakens the pesantren's authority in carrying out its pedagogical functions with dignity and fairness.

Thus, this research implies the need for a transformation of values and structures within the pesantren care system. Reform not only demands changes in how caregivers educate, but also the development of a system that ensures the safe, legitimate, and organized participation of students. This process can begin by establishing ethical standards for caregiving, forming a forum for student aspirations, and opening intergenerational training spaces for caregivers. This step is not just an administrative technicality, but a cultural strategy that integrates the values of compassion and consultation into a progressive Islamic education system.

4. Disconnection between Normative Understanding and Structural Readiness in the Implementation of Child-Friendly Islamic Boarding Schools

In interviews with three caregivers, it was found that they understand children as a trust from God that must be cared for and educated with affection. The caregiver mentioned the concepts of mercy and wisdom as the foundation for educating the students. However, this understanding is not accompanied by implementation in the form of formal guidelines or policies. There is no routine training on Sharia-based caregiving or national child protection standards. The knowledge possessed by the caregivers is personal and has not yet become part of the pesantren's institutional system.

The results of interviews with pesantren leaders indicate that there has never been any official socialization or training related to child-friendly pesantren. Information regarding Director General Regulation No. 1262 of 2024 has not been formally received by the pesantren. The last training attended by the caregivers was more related to the yellow book curriculum and institutional management, rather than on caregiving or child protection issues. This leads to low readiness of pesantren human resources in systematically implementing child-friendly principles.

The finding that caregivers understand the concepts of mercy and wisdom as fundamental principles in raising children indicates that Islamic values regarding child protection are actually conceptually ingrained. However, this understanding is still individual

²⁴ Heather Younger, *The Art of Active Listening: How People at Work Feel Heard, Valued, and Understood* (Berrett-Koehler Publishers, 2023).

²⁵ Nurkholis, *Internalisasi Nilai Pendidikan Islam Pada Anak Terlantar* (Penerbit P4I, 2023).

and not institutionalized in the form of formal policies or systems of caregiving practices. This condition reflects a disconnect between normative awareness and the structural readiness of institutions.

The absence of regular training on Sharia-based caregiving or child protection standards indicates a low level of attention to caregiver capacity development. Relying on individual experience and perception in carrying out caregiving functions risks creating inconsistency and potential deviation in the treatment of students.²⁶ Studies show that training integrating Islamic values and child protection principles can reduce the incidence of verbal and physical violence in Islamic boarding schools and institutionally strengthen a compassionate caregiving approach.²⁷ Another study also showed how the efficiency of training on child-friendly pesantren values conducted at the Mamba'ul Ma'arif Denanyar Jombang Islamic boarding school has an impact on efforts to prevent and raise awareness about violence against children, particularly in the sexual aspect.²⁸

The minimal socialization regarding Perdirjen Pendis No. 1262 of 2024 also underscores the disconnect between the policy-making structure and the implementing units at the grassroots level. Information that doesn't reach the caregiver level causes pesantren to lose access to regulatory sources that could strengthen child-friendly care practices. This finding aligns with studies stating that the successful implementation of child protection policies in religious institutions is highly dependent on the intensity of socialization, caregiver involvement, and the cultural adaptation of the institution.²⁹ In this context, pesantren require intervention not only in the form of national regulations, but also decentralized and contextualized information distribution and training mechanisms.

Researchers argue that the failure to translate child protection values into institutional systems is an epistemic and structural problem. Epistemically, caregivers are not adequately equipped with a pedagogical and psychological framework for child protection in the context of Islamic education. Structurally, the lack of internal policy support and formal training makes the institution unprepared to implement national and international standards that ensure child safety and well-being. Therefore, it is important for pesantren to begin building an integrated training system that combines the *maqāṣid al-sharī'ah* with universal child protection standards.

D. CONCLUSION

Based on the research findings and discussion, it can be concluded that violence in pesantren cannot be understood solely as individual behavior, but rather as part of a power relationship pattern institutionalized thru tradition, authority structure, and cultural legitimacy. This puts students in a vulnerable position to exploitation, while the authority of kiai and ustaz tends to be viewed as sacred, so criticism of these practices is often muted. This condition indicates that the issue of violence in pesantren is not solely related to the moral

²⁶ Wiwin Hendriani, *Parental Resilience - Memahami Ketangguhan dalam Pengasuhan* (Airlangga University Press, 2025).

²⁷ Sendy Annafi Rizqi et al., "Strategi Islam Dalam Pencegahan Bullying Anak-Anak Sekolah Dasar," *Jurnal Pendidikan Guru Sekolah Dasar* 1, no. 4 (2024): 15–15, <https://doi.org/10.47134/pgsd.v1i4.734>.

²⁸ Syafiul Anam et al., "Pelatihan Implementasi Sekolah Ramah Anak di Pondok Pesantren Mamba'ul Ma'arif Denanyar Jombang," *ABISATYA : Journal of Community Engagement* 1, no. 1 (2023): 49–55.

²⁹ Paul Vermeer, "Religious Education and Socialization," *Religious Education* 105, no. 1 (2010): 103–16, <https://doi.org/10.1080/00344080903472774>.

deviance of the perpetrators, but is also linked to the social and institutional construction that allows for the reproduction of violence. Therefore, operational recommendations that need to be considered include developing child protection SOPs based on Islamic values and national law, establishing an independent internal complaint unit, and providing regular training for caregivers so that the paradigm of harsh discipline can shift toward a dialogical and humanistic parenting style.

Compared to modern education systems that emphasize accountability and child protection, traditional pesantren face a serious dilemma between maintaining charismatic authority and meeting the demands of structural justice. This difference is similar to the comparison between feudal practices, which still rely on personal legitimacy, and democratic systems, which demand transparency and participation. Thus, the contribution of this research lies in mapping power relations within the pesantren culture and offering an integration of maqāṣid al-sharī'ah with the principles of children's rights, providing both a theoretical framework and practical reference for policymakers and pesantren administrators. Academically, these findings enrich the socio-legal study of Islamic education by affirming that institutional reform is not merely a normative demand, but a structural prerequisite for pesantren to remain relevant as a just, safe, and sustainable educational space for future generations.

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