



Original Article

The Phenomenon of Violence Against Educators and Education Personnel from the Perspective of Islamic Law

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Abstract:

The phenomenon of violence against educators and education personnel has become a concerning issue in the educational environment. In the perspective of Islamic Law, this violence not only violates social norms, but also contradicts Islamic principles that emphasize respect and protection for individuals, especially those who play a role in educating the next generation. This study aims to analyze the phenomenon of violence against educators and education personnel from the perspective of Islamic Law. This study uses a Descriptive Method that emphasizes the phenomenon of violence that occurs, both in schools, madrasas and the scope of education in general. The data obtained is based on actual data from interviews with responsible parties within the scope of the education unit. Violence in the world of education, both physical and psychological, has increased along with the aggressiveness of students, such as acts of beating and harassment. In Islamic law, violence is considered haram because it violates humanitarian principles and can be categorized as jarimah that is punishable according to the level of violation.

Keywords: Violence in Education, Bullying, Jarimah, Educators and education personnel.



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Introduction

Talking about violence, of course, ignites our thoughts and feelings on scary things. At least, violence is not something that everyone likes and wants. Violence is essentially a criminal act that is never tolerated by anyone, whether the act occurs in the scope of domestic life, the wider community as well as in the school environment or the world of education who is given responsibility for it.

Educational institutions, both at the primary, secondary and tertiary levels, should be able to provide a sense of security, comfort and support the positive development of all so-called "educational people". However, the reality is that this educational environment is still faced with issues and cases of violence (Revilla Malik, 2023).

The issue of violence that has been rampant lately is indeed scary. Various cases of violence, both physical and psychological, appear in our eyes. This indirectly affects the situation faced by education personnel wherever they are. Some people analogize the poor education system and various policies applied to the environment and educational units.

Acts of violence that occur in work units are very familiar with the actions of teachers against students or vice versa with students against teachers as educators and education personnel. This reality can be seen in acts of violence that touch on physical aspects, such as fights or other violent acts, such as swearing or slander that often occur in the scope of others. The forms of violence that often color the educational environment, can be seen ranging from verbal violence carried out by students to physical violence against education personnel has become a phenomenon in the world of education in this country. This condition has been going on for a long time, even the frequency has increased along with the increasing aggressiveness of students in the school environment and the general education environment.

Acts of violence can actually be committed by anyone, but lately such actions are more obvious when students commit violence against teachers as educators and education personnel within the scope of educational units, both schools and educational environments in general. This act of violence, of course, cannot be justified at all even though there are certain reasons behind it. Acts of violence can also occur in the form of student demonstrations, both in physical form and in verbal form. For example, swearing, saying rude and dirty, and brawls that occur between students and students (Ibid).

In Islamic law, acts of violence are something that is not justified and is considered a violation of the fundamental principles of Islamic teachings that always emphasize the human side, the value of justice and compassion. As contained in Q.S Al-'Imran verse 159 and Q.S. Al-Anbiya' verse 107 as follows:

فَبِمَا رَحْمَةٍ مِّنَ اللَّهِ لِنْتَ لَهُمْ وَلَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ لَانْفَضُّوا مِنْ حَوْلِكَ فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ

It means: "So it is by the mercy of Allah that you are gentle with them. If you are harsh and rude-hearted, of course they will distance themselves from your surroundings. Therefore forgive them, ask for forgiveness for them, and counsel with them in the matter. Then when you have made up your mind, then put your trust in Allah. Indeed, Allah loves those who put their trust in Him." (Q.S. Al-'Imran: 159)

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

It means: "And We did not send you, but to be a blessing to the universe." (Q.S. al-Anbiya: 107)

Furthermore, in Q.S. Al-Ahzab verse 58 it is also explained about the consequences for people who hurt others.

وَالَّذِينَ يُؤْذُونَ الْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ بَغْيٍ مَا اكْتَسَبُوا فَقَدْ احْتَمَلُوا بُهْتَانًا وَإِثْمًا مُّبِينًا

It means: "And those who hurt believers and believers without the mistakes they commit, then they have indeed borne lies and real sins." (Q.S Al-Ahzab: 58).

The above evidence shows that acts of violence are a form of crime and the perpetrators are subject to punishment which normatively already has provisions in the Quran and Hadith and even the opinions of scholars.

Methods

In accordance with the main problem expressed above, the method used is the Descriptive Method which emphasizes the phenomenon of violence that occurs, both in schools, madrasas and the scope of education in general. The data obtained is based on actual data from interviews with responsible parties within the scope of the education unit. In addition, of course, documents related to the object of discussion are very important to be traced as secondary data that complements the discussion. The data was carefully analyzed based on the criteria of a socio-cultural approach in the context of the enforcement of law (Islam) with the theory of Maqashid Sharia.

Results

Forms of Violent Behavior

Violence in the Great Dictionary of the Indonesian Language (KBBI), can be interpreted as a matter (which is characterized by) violence, the actions of a person or group of people that cause injury or death to another person or cause physical damage to another person's or property. Violence, often termed "violence" (Latin: Violentia) which means "power or power". Windu (in S Ramadhan, 2024). In Arabic it is termed "al-Tasyaddud wa al-Unf" which means:

استخدام القوة والشدة والقسوة استخداما غير مشروع

(Using force and cruelty that is not in accordance with the Shari'a').

According to the World Health Organization WHO, violence is the use of physical force and power, threats or actions against oneself, an individual or a group of people or society that results in bruising, trauma or deprivation of rights. ([Rahmidar, 2022](#)).

According to W.W. Charters (in Rumilawati, 2015), violence committed in the world of education is called corporal punishment, which is an act of violence committed by a certain person on another person in the name of disciplining children using corporal punishment, even though in fact the punishment or physical violence is not necessary.

Meanwhile, in Permendikbudristek No. 46 Article 1 Paragraph 3 of 2023 it is stated that violence is any act, action, or decision against a person that has the impact of causing pain, injury, or death, sexual/reproductive suffering, reduced or dysfunction of part and/or all of the limbs physically, intellectually or mentally, loss of opportunities to get education or work safely and optimally, loss of opportunities for the fulfillment of human rights, fear, loss of confidence, loss of ability to act, sense of helplessness, economic losses, and/or other forms of similar harm.

Acts of violence or bullying can be classified into physical and psychological violence. Physical violence can be identified in the form of acts of beating (using hands or tools), slapping, and kicking. In addition, physical violence against children can also be in the form of sexual (sexual harassment, molestation, rape and

so on). (Permendikbudristek, Article 7 Paragraph 2). Psychological violence includes acts of mocking or insulting, intimidating, showing an unhappy attitude or expression, and actions or words that hurt the feelings of others. (Permendikbudristek, Article 8 Paragraph 1).

There are 6 six forms of violence in Permendikbudristek No. 46 of 2023 concerning the Prevention and Handling of Violence in Education Units (PPKSP). The form of violence is defined in detail and clearly, in order to eliminate the "gray" area to distinguish the form and mode of violence that should not occur in the educational unit environment. The six forms of violence are as follows:

1. Physical Violence

Physical violence is a form of violence that is carried out by making physical contact with a tool or not with a tool. For example, brawls, fights, persecution, murder, and other physical contact.

2. Psychic Violence

Psychic violence is carried out without physical contact with the aim of degrading, insulting, frightening or making feelings uncomfortable. This psychological violence can be in the form of exclusion, rejection, humiliation, spreading rumors, intimidation, public humiliation, and other similar acts.

3. Bullying

Bullying is a form of violence both physically and psychologically committed by one person or group repeatedly due to inequality in power relations. The word bullying is commonly known as bullying.

4. Sexual Violence

Sexual violence is violence in the form of acts of degrading, insulting, harassing, and/or attacking objects such as a person's body and/or reproductive function. Forms of sexual violence can be in the form of delivering speech that harasses physical appearance, acts with sexual nuances, and so on.

5. Discrimination and Intolerance

Other forms of violence are discrimination and intolerance. Any act of violence in the form of discrimination, exclusion, restriction, or selection based on ethnicity, ethnicity, religion, belief, skin color, nationality, gender, and the like.

6. Violent Policies

Policies can contain violence if they have the potential to cause violence, either in writing or unwritten, in the form of decrees, circulars, official memorandums, appeals, instructions, guidelines, and so on.

In addition to the 6 (six) types of violence that have been written in the Permendikbudristek. No. 46 of 2023, there are still many other types of violence that we need to pay attention to. Do not let every one of our actions hurt others physically or psychologically. The Ministry of Education, Culture, Research and Technology (Kemendikbudristek) revealed the results of the National Assessment (AN) related to cases of violence, stating that the potential for violence in education units is above 20%. He continued, based on data from the 2022 National Assessment survey, as many as 34.51% of students (1 in 3) have the potential to experience sexual violence. Then, 26.9% of students (1 in 4) have the potential to experience physical punishment, and 36.31% (1 out of 3) have the potential to experience bullying. ([M. Yusuf, 2023](#)).

Perspectives of Islamic Law on Violence

Islam is a religion that always upholds the dignity and dignity of humanity. In fact, Islam places the position of human beings above other creatures which is characterized by the gift of reason as great potential and it is directed towards the achievement of benefits for itself and others. Islam is also a religion that upholds human values, including respect and love for fellow humans. Therefore, Islam prohibits all forms of actions that can hurt or degrade others, including bullying. (Roswanto et al., 2013). In this regard, Islam strictly prohibits acts of violence against fellow Muslims, non-Muslims and even animals.

أَضَرَّ وَلَا ضِرَارَ

(Do not do anything that is harmful to yourself or others).

The evidence contained in Q.S. Al-Hujurat: 11, is as follows:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا يَسْخَرْ قَوْمٌ مِّن قَوْمٍ عَسَىٰ أَن يَكُونُوا خَيْرًا مِّنْهُمْ وَلَا نِسَاءٌ مِّن نِّسَاءٍ عَسَىٰ أَن يَكُنَّ خَيْرًا مِّنْهُنَّ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَزُوا بِاللَّغَبِ بَشَرٌ الْأَسْمَاءُ الْفُسُوقُ بَعْدَ الْإِيمَانِ وَمَن لَّمْ يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

It means: "O you who believe, do not put down a group of men, for what is laughed at may be better than them. And don't let a group of women degrade other groups, maybe the one who is degraded is better. And do not like to reproach yourself and do not call with titles that contain ridicule. As bad as the calling is the bad after faith, and whoever does not repent, then they are the wrongdoers." (Q.S. Al-Hujurat: 11).

In the hadith narrated by Bukhari, it is also stated:

الْمُسْلِمُ مَن سَلِمَ النَّاسُ مِنْ لِسَانِهِ وَيَدِهِ

Meaning: "A Muslim is a person whose Muslims have survived his mouth and hands." (H.R. Bukhari).

This postulate clearly prohibits us from making fun of, insulting, let alone physically harming others, because it may be that the person who is ridiculed or insulted is nobler than the one who makes fun of it. In any review, insult is a despicable act of hurting the hearts of others. Moreover, it is done in front of the public. Likewise, bullying carried out in the real and virtual world, which contains swearing, hate speech, insults, swearing, or physical attacks on other parties is a heinous behavior (fahsya'). So, the law of bullying is haram, because it includes attitudes and behaviors that hurt others that can damage the good name (image) or dignity of humanity.

In addition, in Islamic law, every act that harms others is also considered an act that falls into the category of "jarimah" which is punished according to the level of his actions, whether hudud, qishash or at least ta'zir. The word "jari>mah" here is interpreted as "the deeds that are forbidden by the shari' that Allah threatens with the punishment of limit or ta'zir". (Novalia et al., 2024).

According to Abd. al-Qa>dir 'Awdah (in (Ichwanto, 2017)), jari>mah is a term for an act that is forbidden by the Shari'a', whether it is an act that is detrimental to the soul, property or others (see Maqashid Syari'ah al-Syathibi Theory). A person can be said to have committed a criminal act if it can be proven that he has committed acts that are prohibited by the Shari'a'. Every criminal act can be proven if the act meets the following elements:

1. General Elements (al-arka>n al-'a>m), which are the elements that must be present on each finger>mah which include the following:
 - a. The formal element (al-rukn al-syar'y), namely the existence of nash, which prohibits certain acts accompanied by the threat of punishment for these acts.
 - b. The material element (al-rukn al-maddy), namely the existence of behavior that forms the fingers>mah both real deeds and non-deeds.
 - c. The moral element (al-rukn al-adaby), namely the ability or ability to be responsible for the fingers >mah that he does.
2. Special Elements (al-arka>n al-kha>s}s}), which are elements that only exist in certain jinayah and that element always differs in number and type according to the difference in the fingers, such as the element of taking secretly is only treated on the fingers of stealing and not on the fingers of other fingers>>>mah. (A. Djazuli, 1997).

The difference between general and special elements lies in the presence of these elements on each finger>mah. Therefore, an act can be said to be an act of finger >mah and can be punished if the act has fulfilled the general elements and special elements (Ibid).

Conclusion

The phenomenon of violence in the world of education, which has recently become rampant, has brought unrest from various parties. This condition has been going on for a long time, even the frequency has increased along with the increasing aggressiveness of students in the school environment as a place where the educational process takes place.

Acts of violence or bullying can be classified into physical and psychological violence. Physical violence can be identified in the form of acts of beating (using hands or tools), slapping, and kicking. In addition, physical violence against children can also be in the form of sexual (sexual harassment, obscenity, rape. In Islamic law, acts of violence are something that is not justified and is considered a violation of the fundamental principles of Islamic teachings that always emphasize the human side, the value of justice and compassion. Therefore, the law of bullying is haram, because it includes attitudes and behaviors that hurt others that can damage the good name (image) or dignity of humanity.

In addition, in Islamic law, every act that harms others is also considered an act that falls into the category of "jarimah" which is punishable according to the level of his or her actions, whether hudud, qishas or at least ta'zir, within the limits of minimum or maximum.

References

- A. Djazuli. (1997). *Fiqh Jinayah*. Jakarta: PT Raja Grafindo.
- Azis, A., & Kusnafizal, T. (2024). Information and Communication Technology in the

- Learning Process. *JTP-Jurnal Teknologi Pendidikan*, 26(1), 158-170.
- Fauzan, R., Harsono, K., Meisandy, R. P., Barokah, M., & Muhaimin, M. I. (2024). Optimising Human Resource Management as an Effort to Improve Employee Performance through Digital Attendance. *Riwayat: Educational Journal of History and Humanities*, 7(1), 16-25.
- Ichwanto, A. M. (2017). Tindak Pidana Penganiayaan dalam Hukum Pidana Islam. *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam*, 20(1), 181–206.
- Novalia, V., Azizah, L. H., Al-Islami, N., & Sukti, S. (2024). Ta'zir Dalam Pidana Islam: Aspek Non Material. *Terang: Jurnal Kajian Ilmu Sosial, Politik Dan Hukum*, 1(2), 225–234.
- Permendikbudristek Nomor 46 Pasal 1 Ayat 3 Tahun 2023
- Permendikbudristek Nomor 46 Pasal 7 Ayat 2 Tahun 2023
- Permendikbudristek Nomor 46 Pasal 8 Ayat 1 Tahun 2023
- Rahmidar. (2022). Penanganan Kekerasan Terhadap Perempuan dan Anak. *Jurnal Pembangunan Daerah*, 2(1).
- Revilla Malik, C. A. (2023). Pengaruh Manajemen Pendidikan terhadap Motivasi Belajar pada Anak Usia Dini. *Jurnal Obsesi: Jurnal Pendidikan Anak Usia Dini*, 7(3), 2659–2670.
- Romulo, C. S., & Dalimunthe, Z. (2024). Effect of related party transaction and tax haven utilization on tax avoidance moderated by Country-by-Country reporting. *Riwayat: Educational Journal of History and Humanities*, 7(1), 26-40.
- Roswanto, A., Azhar, M., Syamsuddin, S., Nasution, K., Muttaqin, A., Sastrapratedja, M., SJ, M. S., Subanar, G. B., SJ, G., & Joan Sarapung, E. (2013). *Islam, Agama-agama, dan Nilai Kemanusiaan: Festschrift Untuk M. Amin Abdullah*. CISForm (Center for the Study of Islam and Social Transformation) UIN Sunan
- Wulandari, D. (2024). The Effectiveness of Youtube Channel as Learning Media at Conversation Class. *Riwayat: Educational Journal of History and Humanities*, 7(1), 67-69.