



PREVENTION AND MANAGEMENT OF SEXUAL VIOLENCE IN HIGHER EDUCATION INSTITUTIONS FROM THE PERSPECTIVE OF MAQĀSID AL-SHARĪ'AH: AN ANALYSIS OF PERMENDIKBUDRISTEK NO. 55 OF 2024*

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Abstract:

Sexual violence in higher education institutions has become an increasingly critical issue due to its far-reaching impacts on human rights, mental health, personal safety, and the continuity of victims' education. This phenomenon not only disrupts the learning process and the implementation of the tridharma of higher education, but also creates an unsafe and uncondusive academic environment that hinders the development of students' and academics' potential. In response to the complexity of various forms of violence occurring on university campuses, the Indonesian government enacted the Minister of Education, Culture, Research, and Technology Regulation No. 55 of 2024 concerning the Prevention and Management of Violence in Higher Education Institutions. This study aims to analyze the substance of this regulation from the perspective of maqāsid al-sharī'ah, particularly regarding the protection of human rights and dignity. The research employs a normative legal method using both statutory and conceptual approaches through library research. Data were collected from legislation, Islamic legal literature, books, and relevant scholarly publications. The findings indicate that Regulation No. 55 of 2024 is strongly aligned with the fundamental objectives of Islamic law, namely the protection of religion (ḥifẓ al-dīn), life (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), lineage (ḥifẓ al-nasl), and human dignity (ḥifẓ al-'ird). The regulation also adopts a victim-centered approach through prevention, reporting mechanisms, assistance, recovery

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services, and the establishment of Violence Prevention and Management Task Forces within higher education institutions. Therefore, the regulation not only possesses legitimacy within the national legal system but also accords with the principles of public welfare (*maṣlaḥah*) and the prevention of harm (*daʿ al-mafāsid*) within the framework of *maqāṣid al-sharīʿah*.

Keywords: Sexual Violence; Higher Education Institutions; *Maqāṣid Al-Sharīʿah*; Victim Protection

A. INTRODUCTION

Sexual violence is a form of human rights violation that has multidimensional impacts on victims, affecting them psychologically, socially, academically, and economically. Within higher education institutions, sexual violence constitutes a complex issue because it often involves power imbalances between lecturers and students, senior and junior students, as well as among members of the academic community themselves. Cases that have come to light in recent years demonstrate that universities and colleges have not yet fully become safe spaces for students, faculty members, and educational staff.

The Indonesian government has demonstrated its commitment to creating a safe higher education environment through the enactment of the Minister of Education, Culture, Research, and Technology Regulation No. 30 of 2021 concerning the Prevention and Handling of Sexual Violence in Higher Education Institutions. The issuance of this regulation was a response to the increasing incidence of sexual violence cases that threaten the rights, dignity, and educational continuity of members of the academic community.⁴

However, social dynamics within higher education institutions indicate that threats to the safety and well-being of the academic community are not limited to sexual violence. They also encompass physical and psychological violence, bullying, discrimination, intolerance, and various other forms of abuse that can hinder the effective implementation of the *tridharma* of higher education, namely education, research, and community service.⁵ Based on this reality, the government subsequently enacted Minister of Education, Culture,

⁴ Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia, Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor 30 Tahun 2021 tentang Pencegahan dan Penanganan Kekerasan Seksual di Lingkungan Perguruan Tinggi (Jakarta: Kemendikbudristek, 2021).

⁵ Nadiatus Salama and Muhammad Syafiq, "Kekerasan Seksual di Kalangan Mahasiswa: Studi tentang Relasi Kuasa dan Kerentanan Korban," *Jurnal Psikologi Teori dan Terapan* 11, no. 2 (2021): 152-166; Cathy Young, "Campus Sexual Assault and the Regulatory State," *Society* 52, no. 1 (2015): 40-45.

Research, and Technology Regulation (Permendikbudristek) No. 55 of 2024 concerning the Prevention and Management of Violence in Higher Education Institutions, which expands the scope of legal protection for members of the academic community. This regulation is intended to foster an academic culture that is safe, inclusive, equitable, and oriented toward the protection of human rights as well as respect for the dignity of every individual.⁶

From an Islamic perspective, the protection of human beings constitutes one of the fundamental objectives of the Sharī'ah. The concept of maqāṣid al-sharī'ah, developed by al-Ghazālī and further elaborated by al-Shāṭibī, emphasizes that Islamic law seeks to promote human welfare (maṣlaḥah) through the preservation of religion (ḥifẓ al-dīn), life (ḥifẓ al-naḥs), intellect (ḥifẓ al-'aql), lineage (ḥifẓ al-nasl), and property (ḥifẓ al-māl).⁷ In contemporary developments, many Muslim scholars have expanded the scope of maqāṣid al-sharī'ah by including the protection of human dignity and honor (ḥifẓ al-'ird) as an essential objective that must be safeguarded.⁸

Sexual violence is fundamentally an act that contradicts the core objectives of maqāṣid al-sharī'ah, which are directed toward the protection of human beings and the promotion of their well-being. Such acts not only violate the dignity and honor of victims but also threaten their personal safety, physical and psychological health, and hinder their intellectual and academic development. The consequences of sexual violence often extend far beyond the immediate incident, affecting victims' social relationships, family life, and long-term future prospects. In many cases, survivors experience enduring emotional and psychological trauma that disrupts their ability to participate fully in educational, professional, and community life. Therefore, sexual violence represents not merely an individual wrongdoing but a profound violation of the fundamental values that maqāṣid al-sharī'ah seeks to preserve, including human dignity, personal security, and social welfare.⁹ Therefore, the prevention and

⁶ Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia, Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor 55 Tahun 2024 tentang Pencegahan dan Penanganan Kekerasan di Lingkungan Perguruan Tinggi (Jakarta: Kemendikbudristek, 2024).

⁷ Abū Ḥāmid al-Ghazālī, *al-Mustaṣfā min 'Ilm al-Uṣūl*, Juz I (Beirut: Dār al-Kutub al-'Ilmiyyah, 1993), 286.

⁸ Ibn 'Ashur, *Treatise on Maqasid al-Shari'ah*, 165-170.

⁹ World Health Organization, *Responding to Children and Adolescents Who Have Been Sexually Abused: WHO Clinical Guidelines* (Geneva: World Health Organization, 2017), 7-12; Debra

management of sexual violence is not merely a state obligation within the framework of positive law, but also a moral and religious imperative that is consistent with the principles of safeguarding life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-‘aql*), lineage (*ḥifẓ al-nasl*), and human dignity and honor (*ḥifẓ al-‘ird*). Such efforts are essential to ensuring the protection of fundamental human rights and promoting the welfare and well-being of individuals and society as a whole.¹⁰

In this context, Minister of Education, Culture, Research, and Technology Regulation (Permendikbudristek) No. 55 of 2024 merits careful examination because it adopts a comprehensive approach that encompasses prevention, case management, victim recovery, and the establishment of the Violence Prevention and Management Task Force (*Satuan Tugas Pencegahan dan Penanganan Kekerasan* or *Satgas PPKPT*). This regulation reflects a significant paradigm shift from an approach focused primarily on punishing perpetrators toward a victim-centered protection system that emphasizes justice, support, and recovery for survivors. By integrating preventive measures, reporting mechanisms, assistance services, and institutional accountability, the regulation seeks not only to address incidents of violence but also to create a safer, more inclusive, and more supportive academic environment for all members of the higher education community.¹¹

Based on the foregoing background, this study aims to analyze the substance of Minister of Education, Culture, Research, and Technology Regulation (Permendikbudristek) No. 55 of 2024 concerning the prevention and management of sexual violence in higher education institutions from the perspective of *maqāṣid al-sharī‘ah*. This analysis is significant in demonstrating that state regulations designed to protect victims of sexual violence are closely aligned with the fundamental values and objectives of Islamic law. By examining the regulation through the lens of *maqāṣid al-sharī‘ah*, this study seeks to highlight how its provisions promote the protection of human dignity, safety, welfare, and justice. Furthermore, it underscores that efforts to prevent and address sexual violence in higher education are not merely legal obligations

Patterson, "The Linkage Between Secondary Victimization by Law Enforcement and Rape Case Outcomes," *Journal of Interpersonal Violence* 26, no. 2 (2011): 328-347.

¹⁰ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2008), 21-39; Abu Hamid al-Ghazali, *al-Mustasfa min ‘Ilm al-Usul*, vol. 1 (Beirut: Dar al-Kutub al-‘Ilmiyyah, 1993), 286-287.

¹¹ Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia, *Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor 55 Tahun 2024 tentang Pencegahan dan Penanganan Kekerasan di Lingkungan Perguruan Tinggi* (Jakarta: Kemendikbudristek, 2024), Pasal 2-4

imposed by the state, but also ethical and religious responsibilities that reflect the core principles of the Shari'ah in safeguarding human rights and advancing the public good (maṣlaḥah).

B. METHODS

This study employs a normative legal research method, which views law as a system of norms and principles governing social behavior. Two analytical approaches are utilized: the statutory approach and the conceptual approach. The statutory approach is applied to examine the provisions contained in the Minister of Education, Culture, Research, and Technology Regulation (Permendikbudristek) No. 55 of 2024 concerning the Prevention and Management of Violence in Higher Education Institutions as the primary object of analysis, alongside related legislation, including Law No. 12 of 2012 on Higher Education and Law No. 12 of 2022 on Sexual Violence Crimes. Meanwhile, the conceptual approach is employed to analyze the regulation through the framework of maqāṣid al-sharī'ah, particularly the principles of safeguarding life (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), lineage (ḥifẓ al-nasl), and human dignity (ḥifẓ al-'ird). The research relies on primary, secondary, and tertiary legal materials collected through library research. The data are analyzed qualitatively using a descriptive-analytical method by identifying legal norms governing the prevention and management of sexual violence and assessing their conformity with the objectives of promoting public welfare (maṣlaḥah) and preventing harm (daf' al-mafāsid) within the framework of maqāṣid al-sharī'ah.¹²

C. RESULTS AND DISCUSSION

1. Substance of Minister of Education, Culture, Research, and Technology Regulation No. 55 of 2024 on the Prevention and Management of Violence

Permendikbudristek No. 55 of 2024 was enacted in response to the increasing complexity of various forms of violence occurring within higher education institutions, including sexual violence, physical violence, psychological abuse, bullying, discrimination, and intolerance. This regulation

¹² Peter Mahmud Marzuki, *Penelitian Hukum*, ed. revisi (Jakarta: Kencana, 2017), 55-60; Johnny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, 2006), 295-301. Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 2015), 13-15; Muhammad al-Tahir Ibn 'Ashur, *Treatise on Maqasid al-Shari'ah*, trans. Mohamed El-Tahir El-Mesawi (London: International Institute of Islamic Thought, 2006), 114-126.

replaces Minister of Education, Culture, Research, and Technology Regulation No. 30 of 2021, which primarily focused on the prevention and handling of sexual violence, as it was considered insufficient to address the broader range of violent behaviors emerging in contemporary academic settings. Furthermore, the regulation recognizes that violence in higher education extends beyond sexual misconduct and requires a more comprehensive legal framework to ensure effective protection for all members of the academic community. The preamble of the regulation emphasizes that the expansion of its scope is intended to support the implementation of the tridharma of higher education in an environment that is safe, inclusive, equitable, respectful, and free from all forms of violence. Through this broader approach, the regulation seeks to strengthen institutional accountability, promote a culture of prevention, and foster an academic environment conducive to learning, research, and community engagement.¹³

Furthermore, Article 2 stipulates that the prevention and management of violence are intended to protect members of the academic community and higher education partners from acts of violence, promote a culture of prevention, and foster an educational environment that upholds respect for human rights and the dignity of every individual. The regulation also emphasizes the principles of non-discrimination, the best interests of victims, accountability, gender equality, and the guarantee of educational continuity. These principles reflect a more comprehensive protection paradigm that prioritizes victim recovery and support, moving beyond an approach that focuses solely on the imposition of sanctions against perpetrators. Consequently, the regulation adopts a victim-centered framework that seeks not only to address incidents of violence but also to ensure justice, rehabilitation, and the creation of a safe, inclusive, and equitable academic environment for all members of higher education institutions.¹⁴

Minister of Education, Culture, Research, and Technology Regulation No. 55 of 2024 emphasizes that the prevention and management of violence within higher education institutions must be implemented based on a set of principles that guarantee the protection of the rights of all members of the academic community. These principles include non-discrimination, the best interests of victims, justice and gender equality, equal rights and accessibility for

¹³ Catharine A. MacKinnon, *Sexual Harassment of Working Women: A Case of Sex Discrimination* (New Haven: Yale University Press, 1979), 174-182. F. H. Pitkin and J. B. Manne, "Institutional Responses to Sexual Violence in Higher Education," *Journal of Higher Education Policy and Management* 42, no. 5 (2020): 487-501.

¹⁴ Nanci K. D. L. A. F. Cantalupo et al., "Title IX and the Preponderance of the Evidence: A White Paper," *Denver University Law Review* 90, no. 3 (2013): 599-621.

persons with disabilities, accountability, independence, prudence, consistency, guarantees of non-recurrence, and the continuity of students' education. These principles demonstrate that the regulation no longer perceives violence merely as an individual violation, but rather as a structural problem requiring comprehensive and sustainable protection mechanisms. Furthermore, the principle of the best interests of victims positions victims as the primary subjects of protection, ensuring their access to safety, recovery, and justice without discrimination, intimidation, or retaliation throughout the case-handling process. This approach reflects a victim-centered framework that seeks not only to address incidents of violence but also to create an institutional environment that promotes human dignity, equality, accountability, and long-term educational well-being for all members of higher education institutions.¹⁵

Furthermore, the forms of protection provided under this regulation are not limited to case resolution through administrative procedures or the imposition of sanctions on perpetrators. Permendikbudristek No. 55 of 2024 adopts a broader and more comprehensive approach by incorporating preventive measures, anti-violence education and awareness programs, accessible reporting mechanisms, victim assistance services, recovery and rehabilitation programs, and the integrated management of violence-related data. This approach is consistent with the evolving paradigm of victim protection, which recognizes physical, psychological, social, and academic recovery as essential and inseparable components of the justice process. Consequently, the effectiveness of violence prevention and response efforts is measured not only by the sanctions imposed on perpetrators but also by the ability of higher education institutions to restore victims' well-being, protect their rights, ensure the continuity of their education, and prevent similar incidents from recurring in the future. This reflects a holistic and victim-centered framework that prioritizes both accountability and long-term institutional efforts to create a safe, inclusive, and violence-free academic environment.¹⁶

One of the key instruments introduced and strengthened under this regulation is the Violence Prevention and Management Task Force in Higher Education Institutions (Satuan Tugas Pencegahan dan Penanganan Kekerasan di Perguruan Tinggi or Satgas PPKPT). The establishment of this task force reflects

¹⁵ Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia, Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor 55 Tahun 2024 tentang Pencegahan dan Penanganan Kekerasan di Lingkungan Perguruan Tinggi (Jakarta: Kemendikbudristek, 2024), Pasal 4.

¹⁶ Sandra Walklate, *Handbook of Victims and Victimology* (New York: Routledge, 2007), 98-115.

the government's strong commitment to developing an institutional mechanism that is responsive to the needs of victims. The task force is authorized to receive reports, conduct preliminary reviews and investigations, provide recommendations to higher education leaders, and facilitate victim assistance and protection throughout the case-handling process. The presence of this body is crucial for ensuring the realization of the principle of access to justice and for preventing revictimization, a phenomenon frequently experienced by victims when reporting incidents of violence. By providing a safe, confidential, and supportive reporting mechanism, the task force helps ensure that victims can seek justice without fear of intimidation, discrimination, retaliation, or further psychological harm. Consequently, Satgas PPKPT serves not only as an administrative body for handling cases but also as a vital institutional safeguard for promoting victim protection, accountability, and a violence-free academic environment within higher education institutions.¹⁷

Therefore, Permendikbudristek No. 55 of 2024 may be understood as a legal instrument that is not solely oriented toward punishing perpetrators, but also toward fostering a safe, inclusive, equitable, and victim-centered academic ecosystem. By emphasizing prevention, protection, recovery, and institutional accountability, the regulation seeks to create a higher education environment in which all members of the academic community can carry out educational, research, and community service activities free from violence, discrimination, and intimidation. In this regard, the regulation reflects a comprehensive approach that prioritizes both justice and the well-being of victims while promoting a campus culture grounded in respect for human rights, human dignity, and equality.¹⁸

2. Prevention of Sexual Violence from the Perspective of Ḥifẓ al-Nafs (Protection of Life)

In the theory of maqāṣid al-sharī'ah, the protection of life (ḥifẓ al-nafs) constitutes one of the fundamental objectives of the Sharī'ah and occupies a

¹⁷ Jennifer J. Freyd, "Institutional Betrayal and Institutional Courage," *Journal of Trauma & Dissociation* 15, no. 4 (2014): 391-398; Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia, Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor 55 Tahun 2024 (Jakarta: Kemendikbudristek, 2024).

¹⁸ Catharine A. MacKinnon, *Sexual Harassment of Working Women: A Case of Sex Discrimination* (New Haven: Yale University Press, 1979), 174-182; F. H. Pitkin and J. B. Manne, "Institutional Responses to Sexual Violence in Higher Education," *Journal of Higher Education Policy and Management* 42, no. 5 (2020): 487-501.

central position in the establishment of a just and civilized social order. Al-Ghazālī explains that all provisions of Islamic law are essentially directed toward safeguarding the five essential human necessities (al-ḍarūriyyāt al-khams), namely religion (dīn), life (nafs), intellect ('aql), lineage (nasl), and property (māl). These five necessities serve as the primary foundation for the realization of human welfare (maṣlaḥah) and the prevention of harm in both individual and collective life. Consequently, any action that threatens or undermines these essential interests is regarded as contrary to the objectives and spirit of Islamic law. The preservation of life, in particular, is considered indispensable because it enables individuals to fulfill their religious, intellectual, social, and moral responsibilities within society.¹⁹ Among these five objectives, the protection of life (ḥifẓ al-nafs) occupies a particularly significant position because it serves as a prerequisite for human beings to fulfill all other functions of life. Consequently, Islam regards the preservation of safety, security, and respect for human life as fundamental values that must be upheld by both individuals and social institutions. This principle is affirmed in the Qur'anic verse in which Allah the Almighty declares that whoever kills a person without lawful justification is as though he has killed all humankind (Qur'an 5:32). This verse underscores the sanctity and inviolability of human life and emphasizes the grave moral consequences of any act that threatens it. Accordingly, all forms of conduct that endanger human safety, dignity, and well-being are considered contrary to the fundamental objectives of the Sharī'ah, which seek to preserve life, promote human welfare, and prevent harm within society.²⁰

In the context of sexual violence, threats to ḥifẓ al-nafs (the protection of life) are manifested not only in the physical harm suffered by victims but also in the profound psychological damage that such violence can inflict. Numerous studies have demonstrated that survivors of sexual violence are at risk of experiencing long-term trauma, anxiety disorders, depression, post-traumatic stress disorder (PTSD), a diminished quality of life, and even tendencies toward self-harm or suicide. These consequences often persist long after the incident itself, affecting victims' emotional well-being, social functioning, and ability to engage fully in educational and professional activities. As a result, sexual violence should be understood not merely as a violation of personal integrity but also as a serious threat to human life and well-being in a broader sense. From the

¹⁹ Abū Ḥāmid al-Ghazālī, *al-Mustaṣfā min 'Ilm al-Uṣūl*, vol. 1 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1993), 286–287; Ahmad al-Raysuni, *Imam al-Shatibi's Theory of the Higher Objectives and Intents of Islamic Law* (London: The International Institute of Islamic Thought, 2005), 19–24.

²⁰ Muhammad al-Tahir Ibn 'Ashur, *Treatise on Maqasid al-Shari'ah*, trans. Mohamed El-Tahir El-Mesawi (London: International Institute of Islamic Thought, 2006), 87–92.

perspective of *maqāṣid al-sharīʿah*, such harms clearly contradict the objective of preserving life, as they undermine both the physical and psychological security that are essential for individuals to live with dignity, stability, and the opportunity to flourish within society.²¹ These impacts often affect victims' ability to carry out academic activities, build social relationships, and fully develop their potential. Consequently, sexual violence cannot be understood merely as a violation of moral or ethical norms; rather, it must also be recognized as an act that threatens the overall well-being, safety, and quality of human life. The consequences of sexual violence frequently extend beyond the immediate harm inflicted, undermining victims' educational achievements, social participation, emotional stability, and future opportunities. In many cases, the resulting trauma may hinder their ability to pursue personal and professional aspirations, thereby limiting their capacity to contribute meaningfully to society. Therefore, from both legal and ethical perspectives, sexual violence constitutes a serious violation of fundamental human rights and a threat to the preservation of human welfare in its broadest sense.

From this perspective, the various preventive measures stipulated in Minister of Education, Culture, Research, and Technology Regulation (Permendikbudristek) No. 55 of 2024 can be understood as a manifestation of the principle of *ḥifẓ al-nafs* within the context of higher education. The regulation emphasizes the importance of education, awareness-raising among members of the academic community, the strengthening of reporting systems, the protection of victims, and the provision of prompt and fair response mechanisms. Furthermore, the principles of the best interests of victims and guarantees of non-recurrence incorporated in the regulation serve as important instruments to ensure that victims receive a sense of security and adequate protection throughout the case-handling process. Accordingly, policies aimed at preventing and addressing sexual violence in higher education institutions are grounded not only in positive law but also in the objectives of Islamic law, which prioritize the protection of life, the preservation of human dignity, and the prevention of all forms of harm and injustice in social life. Through this framework, the regulation reflects a comprehensive commitment to safeguarding the physical, psychological, and social well-being of individuals while fostering a safe,

²¹ World Health Organization, *Responding to Children and Adolescents Who Have Been Sexually Abused: WHO Clinical Guidelines* (Geneva: World Health Organization, 2017), 7–14; Rebecca Campbell, "The Psychological Impact of Rape Victims," *American Psychologist* 63, no. 8 (2008): 702–717.

equitable, and conducive academic environment for learning and personal development.²²

From the perspective of maqāṣid al-sharī'ah, the protection of life (ḥifẓ al-nafs) is realized not only through punitive measures against perpetrators of wrongdoing but also through preventive efforts aimed at averting harm before it results in greater damage. Accordingly, anti-violence education, the promotion of values that uphold human dignity, the enhancement of awareness among members of the academic community, and the establishment of effective reporting mechanisms constitute integral components of the protection of life as advocated by Islamic law. These preventive measures are designed to create a safe and supportive environment in which individuals are protected from physical, psychological, and social harm. Moreover, they contribute to fostering a culture of respect, responsibility, and mutual care within higher education institutions. In this regard, prevention is not merely a complementary strategy but a fundamental aspect of safeguarding human well-being, reflecting the overarching objective of the Sharī'ah to preserve life, promote public welfare (maṣlaḥah), and prevent harm (mafsadah) before it occurs.²³ Through these educational initiatives, members of the academic community are expected to be able to identify various forms of sexual violence, understand their rights and responsibilities, and develop the confidence to report any actions that threaten their own safety and security or that of others. Such preventive efforts are essential because many cases of sexual violence stem from a limited understanding of healthy interpersonal relationships, acceptable behavioral boundaries, and the protection mechanisms available to victims. By increasing awareness and fostering a culture of respect and accountability, higher education institutions can play a crucial role in reducing the risk of violence and encouraging early intervention when incidents occur. Moreover, comprehensive education on these issues empowers individuals to recognize warning signs, challenge harmful attitudes and behaviors, and contribute to the creation of a safer and more inclusive academic environment. In this way, preventive measures serve not only to protect potential victims but also to cultivate a campus culture grounded in mutual respect, dignity, and shared responsibility.²⁴

²² Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2008), 21–39.

²³ Ahmad al-Raysuni, *Imam al-Shatibi's Theory of the Higher Objectives and Intents of Islamic Law* (London: The International Institute of Islamic Thought, 2005), 24–31.

²⁴ Rebecca Campbell et al., "Preventing the 'Second Rape': Rape Survivors' Experiences with Community Service Providers," *Journal of Interpersonal Violence* 16, no. 12 (2001): 1239–1259;

The concept of prevention in Islamic law is firmly grounded in the legal maxim (qā'idah fiqhiyyah), dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ, which means that preventing harm should take precedence over attaining benefits. This principle reflects the proactive nature of Islamic law, emphasizing that measures designed to avert harm and protect individuals from potential risks are of greater importance than efforts aimed solely at achieving welfare after harm has occurred. Consequently, the prevention of violence, including sexual violence, is regarded as a legitimate and essential objective within the framework of the Sharī'ah, as it seeks to safeguard human well-being, preserve dignity, and maintain social order before more serious damage can arise.²⁵ This legal maxim demonstrates that the Sharī'ah functions not only as a mechanism for resolving problems after a violation has occurred, but also as a framework that encourages the development of preventive policies aimed at safeguarding human well-being and security. In the context of sexual violence within higher education institutions, this principle requires the implementation of systematic measures to eliminate factors that may contribute to the occurrence of violence, such as unequal power relations, cultures of victim silencing, weak reporting and complaint mechanisms, and inadequate education regarding equality, consent, and respect for bodily integrity. By addressing these underlying structural and cultural issues, preventive efforts can reduce the likelihood of violence and foster a safer academic environment. Accordingly, the Sharī'ah emphasizes the importance of proactive intervention and institutional responsibility in protecting individuals from harm, thereby ensuring that the objectives of preserving life, dignity, and social welfare are effectively achieved before serious damage occurs.²⁶

In line with this principle, Minister of Education, Culture, Research, and Technology Regulation (Permendikbudristek) No. 55 of 2024 places prevention as one of the central pillars of violence prevention and response policies within higher education institutions. The regulation promotes the implementation of educational programs, training activities, awareness-raising campaigns, and the establishment of reporting mechanisms that are safe, accessible, and oriented toward the protection of victims. Furthermore, the incorporation of the principles

World Health Organization, *INSPIRE: Seven Strategies for Ending Violence Against Children* (Geneva: World Health Organization, 2016), 45–58.

²⁵ Wahbah al-Zuhaylī, *Uṣūl al-Fiqh al-Islāmī*, vol. 2 (Damascus: Dār al-Fikr, 1986), 1017–1019; Jalāl al-Dīn al-Suyūṭī, *al-Ashbāh wa al-Nazā'ir* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1998), 87.

²⁶ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2008), 33–39; Sandra Walklate, *Handbook of Victims and Victimology* (New York: Routledge, 2007), 101–118.

of the best interests of victims, guarantees of non-recurrence, and the continuity of education demonstrates that the protection of life (ḥifẓ al-nafs) is understood in a broad and comprehensive sense, encompassing not only physical safety but also psychological security and the preservation of victims' academic pursuits. Consequently, the preventive norms embodied in Permendikbudristek No. 55 of 2024 are closely aligned with the concept of ḥifẓ al-nafs, as both aim to safeguard individuals from various forms of harm, foster a sense of security, and promote human welfare (maṣlaḥah) within both educational institutions and society at large. Through this framework, the regulation reflects a proactive commitment to protecting human dignity, well-being, and the right to pursue education in a safe and supportive environment.²⁷

3. Protection of Intellect (Ḥifẓ al-'Aql) Through a Safe Academic Environment

Higher education institutions are, by their very nature, strategic entities entrusted with the advancement of knowledge, character development, and the enhancement of human resources. These functions can only be carried out effectively when the academic environment is free from all forms of violence that may disrupt the processes of learning, research, and community service. Within the framework of maqāṣid al-sharī'ah, this condition is closely associated with the principle of the protection of intellect (ḥifẓ al-'aql), which aims to safeguard human intellectual capacities so that they may develop optimally and contribute positively to both individual and societal well-being. Accordingly, any action that impedes intellectual growth, undermines mental health, or hinders educational development may be regarded as contrary to the fundamental objectives of the Shari'ah. The preservation of intellect not only involves protecting individuals from factors that impair rational thinking but also requires creating a supportive, secure environment in which knowledge can flourish, critical thinking can thrive, and human potential can be fully realized.²⁸ Therefore, ensuring a safe and violence-free academic setting constitutes an essential component of fulfilling the objectives of ḥifẓ al-'aql and promoting the broader welfare of society.

²⁷ Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia, Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor 55 Tahun 2024 tentang Pencegahan dan Penanganan Kekerasan di Lingkungan Perguruan Tinggi (Jakarta: Kemendikbudristek, 2024), Pasal 2, Pasal 4, dan Pasal 6.

²⁸ Abū Ḥāmid al-Ghazālī, al-Mustasfā min 'Ilm al-Uṣūl, vol. 1 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1993), 286–287; Ahmad al-Raysuni, Imam al-Shatibi's Theory of the Higher Objectives and Intents of Islamic Law (London: International Institute of Islamic Thought, 2005), 25–29.

Sexual violence is one of the factors that can undermine the protection of intellect (*ḥifẓ al-‘aql*), both directly and indirectly. Numerous studies have shown that survivors of sexual violence frequently experience psychological consequences such as trauma, anxiety, depression, post-traumatic stress disorder (PTSD), difficulties in concentration, and even a decline in learning motivation. These conditions not only affect victims’ mental health and emotional well-being but also impair their cognitive functioning and capacity to engage effectively in academic activities. As a result, sexual violence can have significant adverse effects on academic achievement, participation in teaching and learning processes, research productivity, and the ability to establish healthy social relationships within the university environment.²⁹ In many instances, victims withdraw from academic activities or even discontinue their studies due to the psychological distress and emotional burdens they endure. Such experiences may diminish their confidence, reduce their academic engagement, and limit their opportunities for intellectual growth and personal development. This phenomenon demonstrates that the impact of sexual violence extends far beyond the personal sphere; it also obstructs the advancement of knowledge and the educational mission that lies at the heart of higher education institutions. Consequently, sexual violence should be understood not only as a violation of individual rights and dignity but also as a serious threat to the cultivation of intellectual potential and the broader objectives of higher education in fostering knowledge, innovation, and human development.

From the perspective of *maqāṣid al-sharī‘ah*, the protection of intellect (*ḥifẓ al-‘aql*) does not merely entail safeguarding individuals from substances that impair consciousness and rationality, but also encompasses the creation of a social environment that fosters intellectual growth and psychological well-being.³⁰ Accordingly, efforts to prevent and address sexual violence in higher education institutions can be understood as an integral part of the implementation of *ḥifẓ al-‘aql*. In line with this principle, Minister of Education, Culture, Research, and Technology Regulation (Permendikbudristek) No. 55 of 2024 emphasizes the continuity of education for student victims as one of the fundamental principles guiding the handling of violence cases. The regulation

²⁹ Rebecca Campbell, “The Psychological Impact of Rape Victims,” *American Psychologist* 63, no. 8 (2008): 702–717; Debra Patterson et al., “Understanding Rape Survivors’ Decisions Not to Seek Help from Formal Social Systems,” *Health & Social Work* 34, no. 2 (2009): 127–136.

³⁰ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2008), 21–39; Muhammad al-Tahir Ibn ‘Ashur, *Treatise on Maqasid al-Shari‘ah*, trans. Mohamed El-Tahir El-Mesawi (London: International Institute of Islamic Thought, 2006), 114–120.

guarantees that victims are able to maintain access to education, receive adequate support and assistance, and avoid academic disadvantages resulting from the violence they have experienced. This provision demonstrates that victim protection is not solely concerned with legal redress and accountability, but also with restoring victims' intellectual capacity, psychological well-being, and ability to participate fully in academic life. By ensuring that survivors can continue their studies in a safe and supportive environment, the regulation seeks to protect their educational rights and promote their personal development. Consequently, the regulation reflects a holistic approach that recognizes the interdependence of intellectual growth, mental health, and educational continuity as essential elements in safeguarding human dignity and achieving the objectives of maqāṣid al-sharī'ah.³¹

Therefore, Permendikbudristek No. 55 of 2024 is highly relevant to the objective of ḥifẓ al-ʿaql within the framework of maqāṣid al-sharī'ah. By fostering a campus environment that is safe, inclusive, and free from violence, the regulation seeks to safeguard the rights of members of the academic community to learn, think, and develop their intellectual potential without fear, pressure, or intimidation. It also promotes conditions that enable students, lecturers, and educational personnel to engage in academic activities productively and creatively while maintaining their psychological well-being. Ultimately, such efforts constitute an important endeavor to realize educational welfare (maṣlaḥah) that is grounded in respect for human dignity, intellectual development, and quality of life. In this regard, the regulation not only serves as a legal instrument for preventing and addressing violence but also contributes to the broader objective of nurturing a supportive academic culture that empowers individuals to achieve their full intellectual and personal potential in accordance with the values and objectives of Islamic law.

From an Islamic perspective, the pursuit of knowledge is an obligation that holds a highly significant position in human life. The process of seeking knowledge is regarded not merely as an intellectual endeavor but also as an act of worship that contributes to the realization of individual and societal well-being. Consequently, Islam places great emphasis on the creation of an environment that is conducive to the advancement of knowledge, freedom of thought, and the development of dignified moral character. Within the framework of maqāṣid al-sharī'ah, these objectives are closely associated with

³¹ Sandra Walklate, *Handbook of Victims and Victimology* (New York: Routledge, 2007), 101–118; Jennifer J. Freyd, "Institutional Betrayal and Institutional Courage," *Journal of Trauma & Dissociation* 15, no. 4 (2014): 391–398.

the concept of *ḥifẓ al-‘aql* (the protection of intellect), which seeks to preserve and nurture human intellectual capacities so that they may develop optimally without impediments that hinder learning, critical thinking, and the pursuit of knowledge. Accordingly, the protection of intellect requires not only safeguarding individuals from factors that impair rational judgment but also ensuring the existence of educational and social conditions that support intellectual growth, creativity, and academic excellence. In this regard, fostering a safe, inclusive, and respectful learning environment is an essential prerequisite for fulfilling the objectives of *ḥifẓ al-‘aql* and promoting the broader welfare of humanity.³²

Sexual violence within higher education institutions constitutes a serious threat to the realization of these objectives. Victims of sexual violence often experience psychological distress that directly affects their ability to think, concentrate, and participate in academic activities. Numerous studies have demonstrated that experiences of sexual violence can lead to anxiety, depression, prolonged trauma, diminished motivation to learn, and various mental health disorders that negatively affect students' academic performance. These consequences frequently impair victims' ability to engage effectively in classroom learning, research activities, and other educational pursuits. In many cases, survivors struggle to maintain academic focus and emotional stability, which may result in declining grades, reduced participation in campus life, or even withdrawal from educational programs altogether. Such conditions indicate that sexual violence not only violates the rights and dignity of victims but also undermines the broader educational mission of higher education institutions. Consequently, sexual violence should be understood as a significant obstacle to intellectual development and academic achievement, as it deprives victims of the opportunity to cultivate their knowledge, skills, and potential in a safe and supportive learning environment.³³ As a result, victims are often unable to participate fully in the educational process and may lose valuable opportunities to develop their intellectual potential. In this context, sexual violence constitutes not only a violation of fundamental human rights but also an obstacle to the achievement of educational goals, which serve as one of the essential instruments for the advancement of civilization. The adverse effects of

³² Abū Ḥāmid al-Ghazālī, *al-Mustaṣfā min ‘Ilm al-Uṣūl*, vol. 1 (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1993), 286–287; Ahmad al-Raysuni, *Imam al-Shatibi's Theory of the Higher Objectives and Intents of Islamic Law* (London: International Institute of Islamic Thought, 2005), 25–30.

³³ Rebecca Campbell, "The Psychological Impact of Rape Victims," *American Psychologist* 63, no. 8 (2008): 702–717; Sarah E. Ullman, *Talking about Sexual Assault: Society's Response to Survivors* (Washington, DC: American Psychological Association, 2010), 45–68.

sexual violence can hinder academic progress, limit personal development, and reduce individuals' capacity to contribute meaningfully to society through knowledge and innovation. Consequently, the occurrence of sexual violence within higher education institutions undermines the broader mission of education as a means of fostering human development, social progress, and intellectual excellence. Addressing and preventing such violence is therefore crucial not only for protecting individual rights and dignity but also for ensuring that educational institutions can effectively fulfill their role in cultivating enlightened, productive, and socially responsible members of society.

The maqāṣid al-sharī'ah perspective emphasizes that the protection of intellect (*ḥifẓ al-'aql*) is not limited to prohibiting substances that impair human reasoning, such as alcohol and narcotics. Rather, it also encompasses protection against various social and psychological factors that may hinder an individual's intellectual growth and development. This broader understanding recognizes that intellectual well-being can be adversely affected not only by physical substances but also by harmful social conditions, emotional distress, and environments that undermine a person's ability to think, learn, and engage productively in society. Consequently, safeguarding the intellect requires the creation of conditions that support mental health, academic development, critical thinking, and the pursuit of knowledge. Within this framework, any factor that obstructs intellectual flourishing, including violence, intimidation, discrimination, or psychological trauma, may be regarded as contrary to the objectives of the Sharī'ah, as it impedes the full development of human potential and the realization of individual and collective well-being.³⁴ Therefore, any form of violence that causes victims to lose their sense of security, experience psychological distress, or encounter obstacles in pursuing their education can be regarded as a threat to *ḥifẓ al-'aql* (the protection of intellect). On this basis, the creation of a campus environment that is safe, inclusive, and free from violence constitutes an integral component of implementing the objectives of the Sharī'ah in the field of education. Such an environment enables students and other members of the academic community to engage in learning, research, and intellectual development without fear, intimidation, or psychological harm. Moreover, it supports the cultivation of critical thinking, creativity, and academic excellence, which are essential for both individual growth and societal advancement. Consequently, efforts to prevent and address violence within

³⁴ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2008), 22–39; Muhammad al-Tahir Ibn 'Ashur, *Treatise on Maqasid al-Shari'ah*, trans. Mohamed El-Tahir El-Mesawi (London: International Institute of Islamic Thought, 2006), 114–121.

higher education institutions should be understood not merely as administrative or legal obligations, but also as part of a broader commitment to safeguarding intellectual development and promoting the educational values embodied in the objectives of *maqāṣid al-sharī'ah*.³⁵

In line with this principle, Minister of Education, Culture, Research, and Technology Regulation (Permendikbudristek) No. 55 of 2024 gives special attention to ensuring the continuity of education for victims of violence. The regulation emphasizes that the case-handling process must guarantee victims' right to continue their education, receive adequate assistance and support services, and obtain protection from actions that may disrupt their academic activities. These provisions demonstrate that the state's response is not solely focused on sanctioning perpetrators, but also on restoring the intellectual and psychological capacities of victims so that they can continue their educational pursuits under normal conditions. This victim-centered approach recognizes that recovery and educational continuity are essential components of justice and long-term well-being. Consequently, the substance of Permendikbudristek No. 55 of 2024 is closely aligned with the principle of *ḥifẓ al-'aql* (the protection of intellect), as both seek to preserve, nurture, and safeguard human intellectual capacities as a fundamental foundation for the advancement of knowledge, education, and civilization. By ensuring a safe and supportive academic environment, the regulation contributes to the realization of educational welfare and the development of human potential in accordance with the objectives of *maqāṣid al-sharī'ah*.

4. Protection of Lineage (*Ḥifẓ al-Nasl*) and the Prevention of Sexual Violence

One of the fundamental objectives of *maqāṣid al-sharī'ah* is the protection of lineage (*ḥifẓ al-nasl*). In classical Islamic legal theory (*uṣūl al-fiqh*), this principle was initially understood as the preservation of human generations through lawful marriage and the protection of lineage and ancestry. However, contemporary developments in *maqāṣid* studies have broadened the scope of *ḥifẓ al-nasl* to include the protection of sexual integrity, reproductive health, human dignity, and the creation of a social environment that supports the healthy physical and psychological development of future generations. Accordingly, any act that threatens an individual's sexual security or causes harm to reproductive functions and social relationships may be regarded as contrary

³⁵ Mohammad Hashim Kamali, *Maqasid al-Shariah Made Simple* (London: The International Institute of Islamic Thought, 2008), 35–40.

to the objectives of the Sharī'ah in preserving lineage. Such actions undermine not only the well-being of individuals but also the stability of families and the moral fabric of society.³⁶ Therefore, the protection of lineage in the contemporary context extends beyond safeguarding biological descent and encompasses comprehensive measures aimed at ensuring human dignity, bodily autonomy, reproductive well-being, and the development of a safe and healthy social environment for present and future generations.

In this context, sexual violence constitutes a serious violation of the principle of *ḥifẓ al-nasl* (the protection of lineage). Such acts not only inflict suffering on victims at the time of their occurrence but also generate long-term consequences that may significantly affect victims' quality of life in the future. Numerous studies indicate that survivors of sexual violence face an increased risk of unintended pregnancy, sexually transmitted infections, reproductive health disorders, prolonged psychological trauma, and difficulties in developing healthy social and family relationships. These adverse effects often extend beyond the individual victim, influencing family stability, social cohesion, and the well-being of future generations. Moreover, the physical, emotional, and social consequences of sexual violence may hinder victims' educational attainment, economic participation, and personal development. Therefore, sexual violence must be understood not merely as an individual offense but as a threat to the preservation of human dignity, family integrity, and the broader objectives of social welfare and sustainable human development.

These consequences often extend beyond the immediate physical and emotional harm caused by the violence, creating lasting challenges that may affect victims' personal well-being, educational attainment, social integration, and future family life. Moreover, the effects of sexual violence may undermine victims' sense of security, self-worth, and trust in others, thereby limiting their ability to establish stable and meaningful interpersonal relationships. From the perspective of *maqāṣid al-sharī'ah*, such harms are particularly significant because they threaten not only individual welfare but also the broader objective of preserving healthy generations and maintaining social stability. Therefore, sexual violence should be understood as a grave infringement upon the values and protections embodied in *ḥifẓ al-nasl*, requiring comprehensive preventive

³⁶ Abū Ḥāmid al-Ghazālī, *al-Mustaṣfā min 'Ilm al-Uṣūl*, vol. 1 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1993), 286–287; Muḥammad al-Tahīr Ibn 'Ashūr, *Treatise on Maqasid al-Shari'ah*, trans. Mohamed El-Tahir El-Mesawi (London: International Institute of Islamic Thought, 2006), 118–123.

and remedial measures to safeguard human dignity, reproductive well-being, and the integrity of family and social life.³⁷

These impacts demonstrate that sexual violence not only harms individuals but also has the potential to undermine family resilience and the quality of future generations. The consequences often extend beyond the immediate victim, affecting family relationships, social stability, and the overall well-being of communities. Moreover, the physical, psychological, and social harms resulting from sexual violence may impede the development of healthy and productive future generations. Therefore, Islam unequivocally prohibits all forms of conduct that violate or degrade an individual's sexual dignity and integrity, as such acts are fundamentally incompatible with the principle of *maṣlaḥah* (public welfare), which constitutes one of the primary objectives of the *Shari'ah*. From the perspective of *maqāṣid al-shari'ah*, protecting individuals from sexual exploitation and abuse is essential to preserving human dignity, safeguarding lineage, and maintaining social order. Consequently, any action that compromises sexual honor, reproductive well-being, or the stability of family life is regarded as contrary to the overarching aims of Islamic law, which seek to promote welfare, prevent harm, and ensure the flourishing of both present and future generations.³⁸

From the perspective of *maqāṣid al-shari'ah*, the protection of lineage (*ḥifẓ al-nasl*) cannot be achieved merely through the imposition of sanctions on perpetrators after a violation has occurred. More importantly, it requires the establishment of a social system capable of preventing sexual violence from occurring in the first place. In this regard, education that promotes respect for human dignity, the strengthening of ethical social conduct, increased awareness of gender equality, and the development of effective mechanisms for victim protection constitute essential components of the implementation of *ḥifẓ al-nasl* in contemporary society. These preventive measures aim not only to protect individuals from harm but also to foster a social environment that supports healthy interpersonal relationships, mutual respect, and responsible behavior. Furthermore, they contribute to the preservation of reproductive well-being, family stability, and the development of future generations in accordance with the objectives of Islamic law. Accordingly, the prevention of sexual violence

³⁷ World Health Organization, *Violence against Women Prevalence Estimates*, 2018 (Geneva: World Health Organization, 2021), 45–57; Sarah E. Ullman, *Talking about Sexual Assault: Society's Response to Survivors* (Washington, DC: American Psychological Association, 2010), 62–84.

³⁸ Wahbah al-Zuhayli, *Uṣūl al-Fiqh al-Islāmī*, vol. 2 (Damascus: Dār al-Fikr, 1986), 1045–1050; Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld Publications, 2008), 178–182.

should be understood as a proactive effort to safeguard lineage, protect human dignity, and promote the overall welfare (maṣlaḥah) of society. Through such measures, the principle of ḥifẓ al-nasl is realized not only through legal enforcement but also through educational, cultural, and institutional efforts that address the root causes of sexual violence and strengthen the foundations of a just and healthy social order.³⁹ This preventive approach is consistent with the Islamic legal principle that emphasizes the importance of blocking the means that may lead to harm (sadd al-dharā'ī') and preventing potential injury or damage before it occurs. Under this principle, measures aimed at eliminating the causes and conditions that facilitate sexual violence are considered essential components of protecting individuals and society from harm. Rather than focusing solely on punitive actions after a violation has taken place, the Sharī'ah encourages proactive efforts to address risk factors, promote ethical conduct, and cultivate social environments that safeguard human dignity and well-being. Accordingly, preventive strategies such as education, awareness-raising, institutional safeguards, and victim protection mechanisms reflect the application of sadd al-dharā'ī' in contemporary contexts. Through these measures, the likelihood of sexual violence can be reduced, while the objectives of preserving human dignity, lineage, and social welfare are more effectively realized. Consequently, prevention occupies a central place in Islamic legal thought as a means of ensuring that harm is averted before it can inflict damage on individuals, families, and society as a whole.

In line with this principle, Minister of Education, Culture, Research, and Technology Regulation (Permendikbudristek) No. 55 of 2024 places significant emphasis on victim protection through comprehensive mechanisms encompassing prevention, reporting, assistance, case handling, and recovery. The regulation also underscores the importance of creating a higher education environment that is safe, inclusive, and free from all forms of violence, thereby minimizing the risk of violations of the sexual integrity of members of the academic community. Furthermore, the inclusion of recovery mechanisms reflects the state's recognition that the consequences of sexual violence do not end when the incident occurs; rather, they may continue to affect victims' lives over the long term. Accordingly, the existence of support and rehabilitation measures is essential to restoring victims' physical, psychological, social, and academic well-being. Therefore, policies aimed at preventing and addressing sexual

³⁹ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008), 33–40; Ahmad al-Raysuni, *Imam al-Shatibi's Theory of the Higher Objectives and Intents of Islamic Law* (London: International Institute of Islamic Thought, 2005), 31–35.

violence within higher education institutions may be understood as a contemporary manifestation of the principle of *ḥifẓ al-nasl*, realized through the protection of sexual integrity, reproductive health, human dignity, and the sustainability of future generations. Through this comprehensive approach, the regulation not only seeks to respond to incidents of violence but also to foster an academic environment that supports the well-being, safety, and holistic development of present and future generations.

5. Protection of Human Dignity and Honor (*Ḥifẓ al-ʿIrḍ*)

In the contemporary development of *maqāṣid al-sharīʿah* theory, the protection of human dignity and honor (*ḥifẓ al-ʿirḍ*) is regarded as one of the essential objectives of the *Sharīʿah* and occupies a strategic position in preserving social welfare and public well-being. Contemporary Muslim scholars have increasingly emphasized that safeguarding human dignity is integral to the realization of justice, equality, and respect for fundamental human rights. In this regard, Ibn ʿAshūr asserts that human honor constitutes an essential value that must be protected because it is directly connected to an individual's fundamental rights, personal identity, and social existence. The protection of honor extends beyond safeguarding a person's reputation; it also encompasses the preservation of privacy, personal integrity, and the right to be treated with dignity and respect in all aspects of social life. Therefore, any act that degrades, humiliates, discriminates against, or violates the dignity of another person is considered contrary to the objectives of the *Sharīʿah*. Within the framework of *maqāṣid al-sharīʿah*, the protection of human honor serves as a crucial foundation for maintaining social harmony, promoting human flourishing, and ensuring that every individual can participate in society with dignity, security, and respect.⁴⁰

The protection of human honor is not solely an individual responsibility but also a collective obligation of society and the state, to be fulfilled through the establishment of legal frameworks capable of preventing all forms of conduct that undermine human dignity. In this context, *ḥifẓ al-ʿirḍ* extends beyond the protection of an individual's reputation and good name; it also encompasses the rights to privacy, personal security, and freedom from degrading, humiliating, or abusive treatment. Accordingly, the preservation of honor requires not only safeguarding individuals against defamation and social stigma but also ensuring that they are treated with dignity, respect, and fairness in all social interactions

⁴⁰ Muhammad al-Tahir Ibn ʿAshur, *Treatise on Maqasid al-Shari'ah*, trans. Mohamed El-Tahir El-Mesawi (London: International Institute of Islamic Thought, 2006), 113–126.

and institutional processes. From the perspective of maqāṣid al-sharī'ah, protecting human honor is therefore an essential component of promoting justice, safeguarding fundamental human rights, and maintaining social harmony. Any act that violates a person's privacy, subjects them to humiliation, or diminishes their dignity is considered incompatible with the objectives of the Sharī'ah, which seek to uphold human worth and foster a social order grounded in respect, equality, and human flourishing.⁴¹

Sexual violence constitutes one of the most serious violations of the principle of *ḥifẓ al-ʿird* (the protection of human dignity and honor). Such acts not only violate the bodily integrity of victims but also undermine their self-esteem, sense of security, and social standing within the community. Numerous studies have shown that survivors of sexual violence frequently face social stigma, discrimination, exclusion, intimidation, and even practices of victim blaming, whereby victims are unjustly regarded as responsible for the violence they have suffered. This phenomenon creates multiple layers of suffering, as victims must cope not only with the trauma resulting from the act of violence itself but also with social pressures that may further aggravate their psychological condition. In many cases, fear of stigma, public judgment, and damage to personal reputation becomes a major factor discouraging victims from reporting their experiences or seeking justice through formal mechanisms. As a result, many incidents remain unreported, leaving victims without adequate protection and allowing perpetrators to evade accountability. From the perspective of maqāṣid al-sharī'ah, such circumstances represent a profound threat to human dignity and honor, as they deprive individuals of their right to be treated with respect, fairness, and compassion. Therefore, efforts to prevent sexual violence and protect victims must address not only the act of violence itself but also the social attitudes and institutional barriers that perpetuate stigma, silence, and discrimination against survivors.

From the perspective of maqāṣid al-sharī'ah, such conditions are contrary to the objectives of the Sharī'ah, which emphasize respect for the dignity and honor of every human being. The Qur'an explicitly prohibits various forms of humiliation, defamation, malicious suspicion, and the disclosure of personal faults that may damage a person's honor and reputation. This principle indicates that the protection of victims of sexual violence must encompass the safeguarding of their identity, privacy, and right to be treated with dignity and respect throughout the investigation and case-handling process. Accordingly,

⁴¹ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2008), 45–52.

efforts to assist and rehabilitate victims should not be limited to addressing the physical and legal consequences of violence; they must also seek to restore the victims' social dignity, self-esteem, and sense of self-worth, which are often undermined by social stigma and negative public perceptions. In many instances, the psychological and social effects of stigma can be as damaging as the violence itself, reinforcing victims' feelings of shame, isolation, and vulnerability. Therefore, a comprehensive victim-centered approach requires not only legal protection and access to justice but also social support mechanisms that promote respect, empathy, and reintegration. Such measures are essential to ensuring that victims can recover fully and regain their rightful place in society while preserving the fundamental values of human dignity and honor upheld by *maqāṣid al-sharī'ah*.⁴²

In line with this principle, Minister of Education, Culture, Research, and Technology Regulation (Permendikbudristek) No. 55 of 2024 adopts an approach grounded in the best interests of the victim. The regulation emphasizes the importance of victim protection through mechanisms that guarantee the confidentiality of victims' identities, access to assistance and support services, and protection from intimidation, retaliation, or other forms of adverse treatment throughout the case-handling process. Furthermore, the principles of non-discrimination and accountability embodied in the regulation provide a foundation for higher education institutions to cultivate an environment that respects the dignity of every member of the academic community, regardless of gender, religion, physical condition, or social background. In addition, Permendikbudristek No. 55 of 2024 seeks to prevent secondary victimization, a condition in which victims experience further suffering due to insensitive procedures, inadequate institutional responses, or social attitudes that blame victims for the violence they have endured. By emphasizing confidentiality, fair treatment, victim support, and institutional responsibility, the regulation aims to ensure that victims are treated with dignity and respect while pursuing justice. This victim-centered approach reflects a broader commitment to safeguarding human honor and dignity, principles that are closely aligned with the objectives of *ḥifẓ al-'ird* within the framework of *maqāṣid al-sharī'ah*. Ultimately, the regulation seeks to create a safe, inclusive, and supportive academic environment

⁴² Wahbah al-Zuhaylī, *Uṣūl al-Fiqh al-Islāmī*, vol. 2 (Damascus: Dār al-Fikr, 1986), 1078–1082; Mohammad Hashim Kamali, *Maqasid al-Shariah Made Simple* (London: International Institute of Islamic Thought, 2008), 38–42.

in which victims are empowered to seek protection, recovery, and justice without fear of stigma, discrimination, or further harm.⁴³

Therefore, the substance of Permendikbudristek No. 55 of 2024 demonstrates a strong alignment with the principle of ḥifẓ al-ʿird within the framework of maqāṣid al-sharī'ah. By safeguarding victims' privacy, reputation, security, and fundamental rights, the regulation serves not merely as a legal instrument for addressing cases of sexual violence, but also as a mechanism for preserving human dignity, which constitutes one of the primary objectives of Islamic law. Through its victim-centered approach, the regulation recognizes that the protection of honor extends beyond legal remedies and includes ensuring respectful treatment, confidentiality, and protection from further harm throughout the reporting and case-handling process. The enactment of this regulation reflects a broader commitment to protecting the dignity and honor of victims as an integral component of promoting justice, humanity, and public welfare (maṣlaḥah) within higher education institutions. Consequently, Permendikbudristek No. 55 of 2024 not only strengthens institutional responses to sexual violence but also contributes to the creation of an academic environment founded upon respect for human dignity, equality, and social justice, in accordance with the overarching objectives of maqāṣid al-sharī'ah.

D. CONCLUSION

Permendikbudristek No. 55 of 2024 represents a progressive initiative by the Indonesian government to strengthen the system for preventing and addressing violence within higher education institutions through a comprehensive approach that encompasses prevention, case management, victim recovery, and the strengthening of institutional mechanisms on campus. An analysis based on the perspective of maqāṣid al-sharī'ah demonstrates that the substance of this regulation is closely aligned with the fundamental objectives of Islamic law, particularly the protection of life (ḥifẓ al-nafs), intellect (ḥifẓ al-ʿaql), lineage (ḥifẓ al-nasl), and human dignity and honor (ḥifẓ al-ʿird). The regulation is not solely focused on imposing sanctions upon perpetrators; rather, it places victims at the center of protection by ensuring their right to receive assistance, recovery services, and guarantees for the continuation of their education. Furthermore, the regulation reflects a victim-centered and justice-oriented approach that seeks to address both the immediate and long-term

⁴³ Jennifer J. Freyd, "Institutional Betrayal and Institutional Courage," *Journal of Trauma & Dissociation* 15, no. 4 (2014): 391–398.

impacts of violence. Therefore, the implementation of Permendikbudristek No. 55 of 2024 should continue to be strengthened through enhanced education, effective monitoring, institutional commitment, and collaboration among all stakeholders in order to foster an academic environment that is safe, inclusive, respectful of human dignity, and free from all forms of violence.

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