

De Jure: Jurnal Hukum dan Syar'iah

Volume 16 Issue 2, 2024, p. 456-479

ISSN (Print): 2085-1618, ISSN (Online): 2528-1658

DOI: <http://dx.doi.org/10.18860/j-fsh.v16i2.28358>

Available online at <http://ejournal.uin-malang.ac.id/index.php/syariah>

Islamic Legal Perspective on Data of Child Victims of Sexual Violence: A Case Study of the Indonesia's Court

La Gurusi

Universitas Muhammadiyah Buton, Indonesia

Muh Sutri Mansyah*

Universitas Muhammadiyah Buton, Indonesia

Kirsty Lee

University of Edinburgh, United Kingdom

Yety Purnamasari

Universitas Muhammadiyah Buton, The Netherlands

Subhan Alfajar

Universitas Muhammadiyah Buton, Indonesia

* Corresponding Author: muhsutrimansyahr@gmail.com

Received: 07-07-2023

Revised: 22-12-2024

Published: 30-12-2024

Abstract:

The Case Tracking Information System (SIPP), established by the Supreme Court, is designed to facilitate the tracking of legal cases. However, concerns have arisen regarding data leakage of victims of sexual violence. This study seeks to analyse and evaluate the protection of personal data of victims of sexual violence published in the SIPP Court, particularly from an Islamic law perspective. Employing a socio-legal research method, the study integrates case, statutory, and conceptual approaches. Primary legal materials include laws and regulations relevant to victim protection, while secondary legal materials are sourced from relevant journals, books, and literature. The analysis was performed using a descriptive technique with grammatical and systematic interpretations. The results of the study show that five laws (Witness and Victim Protection Law, Sexual Violence Crime Law, Personal Data Protection Law, Juvenile Criminal Justice System Law, and Child Protection Law) regulate victim confidentiality to prioritise the best interests of children as the next generation of the nation. Despite these legal provisions, practical discrepancies persist. For example, in the SIPP of the Baubau District Court, sensitive details such as victims' names are accessible, whereas the Aceh District Court only displays anonymised data, using aliases like "child witness." From the Islamic perspective, as derived from the Quran and Hadith, Muslims are prohibited from approaching adultery, and people who commit adultery will be punished both in this world and in the hereafter. The implication of personal data

protection for victims of sexual violence, associated with *Maqashid Syariah*, is that the protection of the soul (*hifz al-nafs*) and mind (*hifz al-'aql*) of children is part of the collective responsibility borne together by the family, society, and government. Therefore, it is important to reevaluate and reconstruct the protection of child victim data in SIPP.

Keywords: child victim; sexual violence; *maqashid al-syariah*; child rights.

Introduction

Women and children are prone to violence, and they often face social and humanitarian problems that demand more attention. Nine types of sexual violence are stipulated in Article 4 Paragraph of Sexual Violence Crime Law (TPKS)¹. These types of sexual violence include non-physical sexual harassment, physical sexual harassment, coercion of contraception, and forced sterilisation, among other issues, such as forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence². In Indonesia, issues related to the protection of crime victims must also receive serious attention³. According to Ani Purwanti, "Sexual violence is a type of violence that can occur in both public and domestic spaces. Women and children, as vulnerable individuals, usually suffer the legal subjects of sexual violence perpetrators." Furthermore, "Sexual violence against women is a universal crime. It is both endemic and pervasive, repeatedly occurring everywhere over a very long period." Figure 1 shows sexual violence in Indonesia from 2019 to 2023 based on data from the Ministry of Women's Empowerment and Child Protection, and Figure 2 presents sexual violence cases in Baubau City from 2021 to 2023.

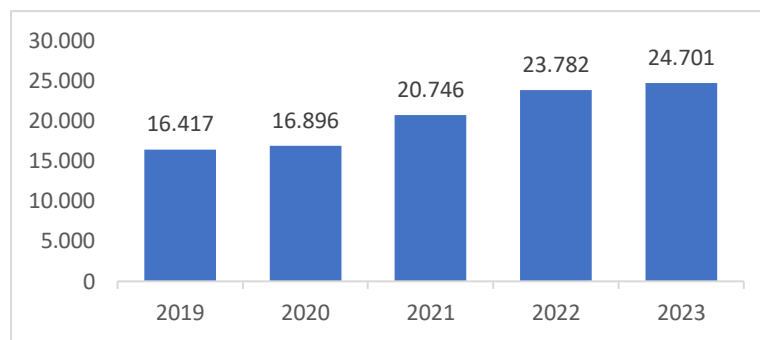
Figure 1. Data on victims of sexual violence in Indonesia from 2019 to 2023

¹ Astri Anindya, Yuni Indah Syafira, and Zahida Dwi Oentari, "Dampak Psikologis Dan Upaya Penanggulangan Kekerasan Seksual Terhadap Perempuan," *TIN: Terapan Informatika* 1, no. 3 (2020), <http://ejurnal.seminar-id.com/index.php/tin/article/view/394>; Rifdah Alifiyah and Isa Anshori, "Legal Protection for Children in Cases of Domestic Violence in the Indonesian Households," *EL-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (December 30, 2023): 348–61, <https://doi.org/10.22373/ujhk.v6i2.19153>; Hasanudin Hasanudin et al., "Phenomena of Domestic Violence Against Women and Divorce in 2020-2022 in Indonesia: An Islamic Perspective," *Al-Manahij: Jurnal Kajian Hukum Islam*, August 23, 2023, 137–52, <https://doi.org/10.24090/mnh.v17i2.7686>; Triana Sofiani, Iqbal Kamalludin, and Raihanah Abdullah, "Violence Against Women in Pre-Marital Relationships: The Ngemblok Tradition among the Muslim Community in Rembang," *Journal of Islamic Law* 5, no. 2 (August 1, 2024): 147–69, <https://doi.org/10.24260/jil.v5i2.2680>.

² Dede Cindy Aprilia and Abdul Mu'ti, "Kekerasan Seksual di Lingkungan Pesantren," *Journal on Education* 05, no. 01 (2022), <https://www.jonedu.org/index.php/joe/article/view/665>.

³ Elizabeth Siregar, Dessy Rakhmawaty, and Zulham Adamy Siregar, "Kekerasan Seksual Terhadap Perempuan: Realitas dan Hukum," *PROGRESIF: Jurnal Hukum* 14, no. 1 (June 25, 2020), <https://doi.org/10.33019/progresif.v14i1.1778>.

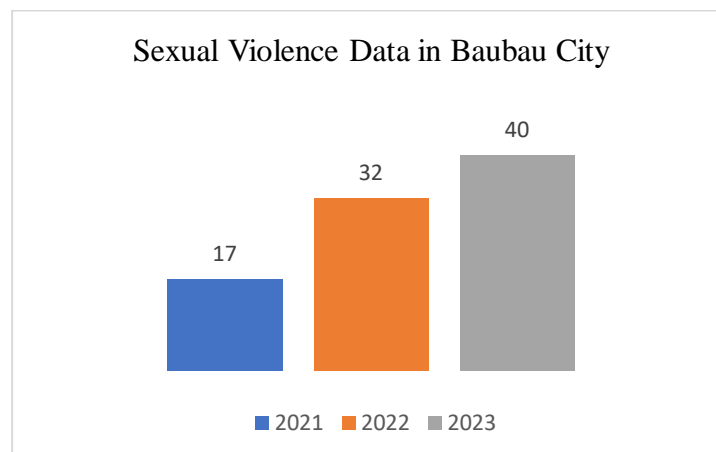




Source: data obtained from the Ministry of Women's Empowerment and Child Protection

In Figure 1, the data on victims of sexual violence from the Ministry of Women's Empowerment and Child Protection has increased every year, from 2019 to 2023, the average case of violence against women exceeded 16,417 cases, while the highest number of cases occurred in 2023, namely 24,701 cases. The phenomenon of cases experienced by women has become a serious case and has become a concern for law enforcement officers and the government to respond to these statistical data. The phenomenon that occurs is like an iceberg. Sooner or later there will be more victims. This is in line with data on sexual violence in Baubau City, as in Figure 2.

Figure 2. Data on victims of sexual violence in Baubau from 2021 to 2023



Source: data processed by researchers

Figure 2, show that the cases of sexual violence increase every year due to several factors. One of these factors is often associated with gender inequality, which is common in society. The deep-rooted patriarchal culture often places women and other vulnerable groups in a weak position, making them the main targets of violence. In addition, the low public awareness of sexual violence and the lack of education about consensualism also contribute to the high number of cases. In the digital era, social media and technology also play a dual role. While they are a tool to raise awareness of this issue, they are used by perpetrators to commit sexual crimes, such as online harassment or distribution of explicit content without permission. These technology-based crimes are challenging since perpetrators can easily hide their identities.

The impact of sexual violence is broad and profound. Victims often experience prolonged physical and psychological trauma. Many of them feel ashamed or afraid to report their cases, giving more room for the perpetrators to roam. The social stigma against victims of sexual violence is also a major obstacle in handling these cases. In some communities, victims are blamed for what happens to them, making them feel even more isolated. To protect victims of sexual violence crimes, Indonesia has enacted several regulations, including 1) Law Number 31 of 2014 Amendment to Law No. 13 of 2006 concerning Witness and Victim Protection (UU PSK), 2) Law Number 12 of 2022 concerning Sexual Violence Crimes (UU TPKS). Additionally, sexual violence against children includes 1) Law Number 35 of 2014 Amendment to Law Number 23 of 2002 concerning Child Protection (UU PA), and 2) Law Number 11 of 2012 concerning the Juvenile Justice System (UU SPPA).

Four laws regulate the protection of women and children, with the Sexual Violence Crime Law (UU TPKS) as the recently enacted law. Victims can be protected by reporting to the police and going to court. Although the incident has been reported to the police, victims still need to testify in court. However, there is an issue at the court level where the victim's identity in the case tracking system is published without anonymising the victim's name. One example is in the Case Tracking Information System (SIPP) of the Baubau District Court, where cases of sexual violence against children can be publicly accessed.

The SIPP system is used by employees to manage and perform their duties, representing a crucial technological development for managing activities within institutions and providing services across various fields. With the existence of the system, the generated information can be utilised to facilitate the implementation of tasks within the institution⁴. Further studies are needed to examine the extent to which victim data is exposed and its relationship with protecting victims of sexual violence by maintaining the confidentiality of victim data. Three relevant articles were found for this research.

Research by Indriastuti Yustiningsih show that preventing revictimization of child victims of sexual violence in the criminal justice system requires legal policy changes by amending criminal procedural law. Provisions found in Law Number 11 of 2012 concerning the Juvenile Justice System Article 58 paragraph (3) letter (a) can be used as the basis for examining child victims from the beginning of the judicial process, where electronic recording, oath-taking, and making of investigation reports have been conducted during the investigation stage and can be used as valid evidence in the evidentiary process, thus requiring victims to testify only once during the investigation stage⁵. The research by Atikah Rahmithe show that justice system built to handle cases of violence against women and children should be easy, accessible, and accountable. A participatory approach involving all stakeholders is necessary to introduce the concept of a justice system from a gender justice perspective. It is also essential to introduce the concept of a gender-just legal enforcement system by

⁴ Elvin Leander Hadisaputro and Nuorma Wahyuni, "Analisis Tingkat Penerimaan Penggunaan Sistem Informasi SIPP di Pengadilan Agama Penajam," *Jurnal Informatika dan Komputasi* 12, no. 1 (January 2022), <https://doi.org/10.30700/jst.v12i1.1197>.

⁵ Indriastuti Yustiningsih, "Perlindungan Hukum Anak Korban Kekerasan Seksual dari Reviktimisasi dalam Sistem Peradilan Pidana," *Lex Renaissance* 5, no. 2 (April 1, 2020), <https://doi.org/10.20885/JLR.vol5.iss2.art3>.



tapping into the experiences of those involved in handling cases of violence against women and children. The introduction of the concept of an Integrated Criminal Justice System for Handling Cases of Violence Against Women and Children is gradually being discussed until reaching a shared perception and understanding. Law enforcement officials handling cases of sexual violence against children and women should have a perspective that considers the rights of children and women to fulfil their duties according to applicable laws, thereby ensuring that perpetrators are appropriately prosecuted for their crimes. Thus, law enforcement can be realised, and victims can feel protected and achieve social justice.⁶

Research by Anastasia Hana Sitompul show that child protection has been specifically regulated in the UN Convention on the Rights of the Child. Furthermore, various forms of child protection against sexual violence in Indonesia are regulated in positive legislation. Legal protection is provided, from preventing sexual violence against children to protecting child victims of sexual violence and children facing the law (child perpetrators) of sexual violence. Law enforcement is a policy in combating crime, particularly sexual violence. Law enforcement involves imposing criminal sanctions against perpetrators of sexual violence. Crime prevention can be carried out through legal (penal) and non-legal (non-penal) means. Several factors affect law enforcement, including a. Legal factors in imposing criminal sanctions, b. law enforcement agencies in carrying out their duties, c. facilities supporting law enforcement, and d. societal factors, including the environment where the law is applied.⁷ These three studies examine the legal aspects of protecting victims of sexual violence.

In contrast, this research examines and analyses the fulfilment of the rights of victims of sexual violence in protecting their identity, linked to the Personal Data Protection Law. Given this reality, The protection of personal data for victims of sexual violence in the Case Tracking Information System (SIPP) is extremely important for several crucial reasons: preventing revictimisation. Victims of sexual violence often experience heavy psychological trauma. The publication of personal data, such as the victim's name, address, or other identifying details, can worsen that trauma and lead to revictimisation. Personal data protection ensures that victims do not endure additional psychological harm due to the public exposure of their cases. The right to privacy is fundamental, and it must be safeguarded, especially in sensitive cases such as sexual violence. Disclosing a victim's personal data without their consent violates their right to privacy and can worsen their social, emotional, and psychological situation. As a digital system that records legal case information, SIPP must ensure that the victim's personal information is not disseminated publicly. Victims of sexual violence often face social stigma that can affect their reputation, social status, and interpersonal relationships. If their personal data is exposed, they may be ostracised or become the subject of negative talk in the community, which can further suppress them.

In some cases, perpetrators of sexual violence may try to locate or intimidate the victims after the case is revealed. The publication of personal data through SIPP

⁶ Atikah Rahmi, "Urgensi Perlindungan Bagi Korban kekerasan Seksual Dalam Sistem Peradilan Pidana Terpadu Berkeadilan Gender," *Jurnal Mercatoria* 11, no. 1 (June 28, 2018): 37, <https://doi.org/10.31289/mercatoria.v11i1.1499>.

⁷ Anastasia Hana Sitompul, "Kajian Hukum Tentang Tindak Kekerasan Seksual Terhadap Anak di Indonesia," *Lex Crimen* IV, no. 1 (2015), <https://doi.org/10.30780/crm.12i1.11800>.



without protection can increase the safety risks for victims. By keeping their personal data confidential, victims can be protected from further physical or psychological threats. Regarding compliance with data protection laws, Law No. 27 of 2022 concerning Personal Data Protection stipulates that personal data must be kept confidential. As part of the legal system, SIPP must comply with these regulations to ensure that victims' data is handled according to the law. In terms of maintaining public trust in the legal system, If victims know their data will be safe and protected, they will be more likely to report cases of sexual violence. This is important to encourage victims to seek justice. On the other hand, a lack of protection for victims' data can undermine public trust in the legal system, including SIPP. Protecting victims' personal data in SIPP not only ensures their safety and well-being but also supports a fairer and more humane judicial process for those who are vulnerable.

Based on the SIPP Application Usage Guidelines for District Courts issued by the Supreme Court Judicial Body in 2022, the court is the party authorised to enter the names of witnesses or victims into the system, but the guidelines do not yet regulate in writing whether the names of victims need to be published. Therefore, the court only holistically enters the data of witnesses to be published in the SIPP. This right aims for accountability and transparency in trials while ignoring the protection of the personal data of victims of sexual violence. Based on the problems above, this article discusses the concept of protection for children as victims of sexual violence from the perspective of Islamic law and positive law in Indonesia.

The importance of using an Islamic approach to data protection for child victims of sexual violence in Indonesian courts can be explained from several fundamental aspects related to Islamic values, the socio-cultural context in Indonesia, and holistic legal protection. a) In the context of ensuring the honour and privacy of victims in Islam, safeguarding an individual's honour and privacy is an obligation. Child victims of sexual violence often face social stigma that can exacerbate their trauma. An Islamic approach, emphasising the protection of the victim's reputation and that of their family, ensures that victims' data will not be unethically exposed in courts or media; b) in the context of continuous protection of children's rights, Islam views children as a trust (*amanah*) with the rights that must be safeguarded, including the right to security and justice. The Qur'an highlights the importance of protecting vulnerable groups, including children, as emphasised in Surah Al-An'am (6:151) and An-Nisa (4:9). This approach allows the judicial system to focus more comprehensively on ensuring children's rights are fully upheld; c) in the context of preventing re-victimisation through the value of *rahmah* (compassion), an Islamic approach based on *rahmah* encourages judicial systems to avoid actions that may further harm victims, such as data exploitation or repeated exposure during legal processes. Protocols grounded in Islamic values ensure that legal proceedings are carried out with empathy and care for the victim's condition. d) Integrating local and religious values As a country with a Muslim-majority population, an Islamic approach is more socially acceptable in Indonesia. This approach aligns legal processes with religious and local cultural values, creating stronger social support for victims and their families; e) In terms of A holistic approach to victim recovery, Islam teaches a balance between justice (*al-adl*) and compassion (*rahmah*). This approach not only focuses on punishing perpetrators but also on the recovery of victims. In the context of data protection, this means addressing the psychological, social, and



spiritual impacts faced by victims while safeguarding their personal data confidentiality. An Islamic approach to data protection for child victims of sexual violence in Indonesian courts is highly relevant to ensuring more comprehensive protection. By integrating religious, ethical, and legal values, this approach can create a system that protects victims from continued trauma and reflects true justice. It strengthens public trust in the judicial system while providing the best protection for children as the nation's future generation. This research, therefore, presents a novel perspective.

Method

This research employs a socio-legal research method with a case approach. The use of the socio-legal method in this research context is based on the consideration that a case study of courts in Indonesia lies in its ability to integrate normative legal analysis with the surrounding social realities⁸. This approach allows researchers to understand the rules and principles within Islamic law related to child protection and examine how these rules are implemented in judicial practice, including the challenges faced in maintaining the confidentiality of victims' data. This socio-legal method allows the research to explore the interaction between Islamic legal values, the prevailing legal system in Indonesia, and the socio-cultural factors influencing the protection of child victims of sexual violence. This is crucial because social conditions, such as societal stigma, access to justice, and the capacity of judicial institutions, play a significant role in determining the effectiveness of data protection policies. By understanding these social dimensions, the research can provide more practical and relevant recommendations to strengthen holistic victim protection. Primary legal materials include Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning the Protection of Witnesses and Victims, Law No. 12 of 2022 concerning Sexual Violence Crimes, Law No. 27 of 2022 concerning Personal Data, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, and Law No. 17 of 2016 concerning the Establishment of Government Regulation in Lieu of Law No. 1 of 2016 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection Altered to Law, while secondary materials include journals, books, and relevant literature. The analysis includes descriptive analysis methods, while the interpretation involves grammatical and systematic.

Results and Discussion

Legal Policy of Court SIPP System

The above relates to the mandate in Law No. 14 of 2008 Article 7, paragraph (2), stating that every Public Body must provide accurate, true, and non-misleading Public Information. Furthermore, in Article 7, paragraph (3), every Public Body shall build and develop an information and documentation system to manage public information well and efficiently, ensuring that information services can provide easy

⁸ Muh Sutri Mansyah, "The Judge's Paradigm in Deciding Criminal Cases of Sexual Violence from A Victimological Perspective," *Buana Gender: Jurnal Studi Gender Dan Anak* 1, no. 2 (2024), <https://doi.org/10.22515/bg.v9i1.8666>; Irma Suryani et al., "Reformulation of Bundo Kandung's Role in Solving Domestic Violence Cases," *Jambura Law Review* 5, no. 2 (May 31, 2023): 199–219, <https://doi.org/10.33756/jlr.v5i2.19172>; Nur Azisa et al., "Criminal Acts of Physical and Non-Physical Sexual Violence in University," *Jurnal IUS Kajian Hukum dan Keadilan* 12, no. 3 (December 26, 2024), <https://jurnalius.ac.id/ojs/index.php/jurnalIUS/article/view/1497>.



access. Therefore, public bodies need to manage information and documentation that can guarantee easy, accurate, and fast information⁹. For the Supreme Court, transparency or openness of the judiciary is not only a public necessity but also a necessity for all members of the judiciary. Strengthening accountability, professionalism, and integrity of the judiciary gradually with the transparency of the judiciary will take place. Effective and efficient information openness is part of the Supreme Court's commitment to bureaucratic reform. Even long before the Public Information Disclosure Law, the Supreme Court had already implemented this principle, as set out in the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number: 144/KMA/VIII/2007 concerning Information Disclosure in Courts¹⁰.

The provision of case application services aims to: 1. create orderly case administration in the courts; 2. create effective, efficient, and mutually supportive case administration management for internal courts and other parties requiring case information; 3. ensure that information can be accessed effectively by seekers of justice and the public (court information openness); 4. provide supporting tools that facilitate administration in monitoring and evaluating cases with reminders at each stage of the case process, including searching and finding case data; automatic reporting to obtain an overview of case management performance in the courts; and analysis for decision-making in case management. Bureaucratic reform is the reform of public services itself, and it must be acknowledged that efforts to improve public services have been made. Standardisation of public services has been implemented for basic services. Law Number 25 of 2009 and Decree of the Chief Justice of the Supreme Court Number 26 of 2012 solidify its regulation. Modernisation of services with information technology instrumentation is also a necessity¹¹.

Information seekers who want to obtain information about the Court do not have to visit directly because they can access the official website. With this website, the transparency program of court information can be accessed by information seekers, where they can obtain the information needed regarding public service, as in line with the implementation of the Republic of Indonesia Law Number: 14 of 2008 concerning Public Information Disclosure and Decree of the Chief Justice of the Supreme Court Number: 1-144/KMA/SK/I/2011 concerning Guidelines for Information Services in Courts, especially information about the judicial process in case applications, trial schedules, publication of decisions, facilities, infrastructure, and other information needed by parties seeking justice (*justiciabelen*)¹². The Supreme Court and its subordinate courts have built a Case Information System that facilitates

⁹ Descy Aryani et al., "Penggunaan Sistem Informasi Penelusuran Perkara (SIPP) di Pengadilan Negeri Boyolali Kelas 1B," *Magistrorum Et Scholarium Jurnal Pengabdian Masyarakat* 3, no. 01 (2022), <https://doi.org/10.25216/jms.4.1.2015.83-200>.

¹⁰ Billy Ridelson Labesak, "Kajian Hukum Keterbukaan Informasi di Pengadilan Dalam Rangka Implementasi Integritas dan Kepastian Hukum," *Lex Et Societatis* VII, no. 5 (2019), <https://doi.org/10.25216/lex.4.1.2019.83-100>.

¹¹ Labesak.

¹² Ridwan Mansyur, "Keterbukaan Informasi di Pengadilan pada Penerapan Sistem Penelusuran Alur Perkara.," *Jurnal Hukum dan Peradilan* 4, no. 1 (March 31, 2015): 83, <https://doi.org/10.25216/jhp.4.1.2015.83-100>.



and expedites case-handling processes, such as the CTS (Case Tracking System)/SIPP (Case Tracking Information System) in General Courts¹³.

The provision of case application services aims to: 1. create orderly case administration in the Court; 2. create effective, efficient, and mutually supportive case administration management for internal courts and other parties requiring case information; 3. ensure that information can be accessed effectively by seekers of justice and the public (court information openness); 4. provide supporting tools that facilitate administration in monitoring and evaluating cases with reminders at each stage of the case process, including searching and finding case data, automatic reporting to obtain an overview of case management performance in the courts, and analysis for decision-making in case management¹⁴.

The leakage of sexual violence victim identities in the Case Tracking Information System (SIPP) within courts is a critical issue demanding immediate attention. This system, designed to provide transparency and accessibility to legal processes, often becomes a vulnerable point for breaching victim confidentiality. Existing legal policies face significant challenges in ensuring the protection of victims' identities, especially in sexual violence cases, where the psychological and social impacts on victims are profound. One primary cause of identity leakage is the lack of stringent regulations governing the court's information technology systems. SIPP is intended to publicly display case data in compliance with the principle of information transparency. However, sensitive details such as victims' names or personal information are occasionally accessible to unauthorised parties, posing a severe risk, as victims of sexual violence frequently face social stigmatisation, which exacerbates their trauma.

Addressing this issue requires legal policies to focus on strengthening the protection of victims' personal data. The first step involves restricting access to SIPP. Only directly relevant parties—such as law enforcement officials, legal representatives, and judges—should have access to complete information about victims' identities. Additionally, courts should implement data encryption technologies and layered security systems to prevent unauthorised access. The government must also align data protection policies in SIPP with existing regulations, such as the Personal Data Protection Law (UU PDP) and the Sexual Violence Crime Law (UU TPKS). The provisions in UU TPKS guaranteeing victim confidentiality must be strictly enforced in SIPP operations. For example, using initials or specific codes instead of victims' full names in publicly available documents can serve as a practical safeguard.

Beyond technical measures, training court officials on the importance of maintaining victims' confidentiality is crucial. Awareness and responsibility among system users are key to preventing information breaches. Victims should also be educated about their right to privacy and provided with clear mechanisms to report violations. The leakage of sexual violence victim identities in SIPP not only violates fundamental human rights but also undermines public trust in the judicial system. Therefore, responsive, comprehensive, and technology-driven legal policies are urgently needed to ensure justice and maximum protection for victims.

¹³ Mansyur.

¹⁴ Mansyur.



Evaluation of Data for Child Victims of Sexual Violence in Case Tracking Information Systems: Maintaining Victim Identity Confidentiality

The Case Tracking Information System (SIPP) is a web-based application in the General Courts designed to input case-related information such as general data, scheduling for hearings, assignment of presiding judges, and appointment of substitute court clerks. It can also serve as information for the public that is possibly related to the case. Individuals subject to traffic fines can also directly check their fines in SIPP¹⁵. However, a crucial issue persists where the identities of child victims of sexual violence are still exposed in the SIPP witness section. For instance, at the Baubau District Court, the following SIPP PN Baubau is presented:

Figure 3. SIPP PN Baubau

The screenshot displays the 'Sistem Informasi Penelusuran Perkara' (SIPP) interface for the Pengadilan Negeri Bau-Bau. The main section is titled 'INFORMASI DETAIL PERKARA'. Below this, there is a table with case details:

Nomor Perkara	Penuntut Umum	Terdakwa	Status Perkara
72/Pid.Sus/2023/PN Bau	LA ODE ABDUL SOFIAN, S.H.M.H	Dismarkkan	Pengiriman Berkas Kasasi

Below the case details, there is a section for 'Saksi' (Witnesses) with a table listing names and IDs:

No	Nama
1	Wa Ode Afika Rahmawati Putri Als Atika Kamaludin
2	Wa Ode Anayah Saputri Als Anayah Binti La Ode Kamaludin
3	Wa Ode Sarin Binti La Ode Buhari
4	La Ode Yusuf Bin H. LD Salihi
5	Azri Bin La Moande
6	SITI Syamsiar Als Mama Ayu Binti Massa Daeng Malewa
7	La Ode Adam Ramadhani Saputra Als Adam bin La Ode Kamaludin

The footer of the interface includes the text 'Hak Cipta © Mahkamah Agung Republik Indonesia 2024' and 'SIPP Lokal Versi 5.4.0'.

Soucer: PN Baubau

The victim's name should not be published in the SIPP system, as this contradicts the protection of victims in safeguarding victim data confidentiality, as regulated in the Child Protection Law, the Juvenile Justice System Law, the Sexual Violence Crime Law, the Witness and Victim Protection Law, and the Personal Data Protection Law. Protection of data on victims of sexual violence is divided into two, namely general rules and special rules, - the general rules are regulated in Article 5 of the Witness and Victim Protection Law, namely that victims have the right to keep their identities confidential and Article 8 and Article 43 letter i of the Personal Data Protection Law which states that Personal Data Subjects have the right to comply with the provisions of laws and regulations and Personal Data Controllers are required to delete unwanted personal data. while special rules are regulated in Article 64 letter i of the Child Protection Law, victims have the right to refuse to have their identities published, the next rule Article 59 paragraph (2) and Article 69 letter d of

¹⁵ Ryan Haryo Pangestu, Ariya Dwika Cahyono, and Penidas Fiodinggo Tanaem, "Analisis Manajemen Resiko Aplikasi SIPP di Pengadilan Negeri Salatiga Kelas 1B Menggunakan ISO 31000," *Journal of Computer and Information Systems Ampera* 2, no. 1 (January 7, 2021): 43–57, <https://doi.org/10.51519/journalcisa.v2i1.59>.



the Sexual Violence Crime Law regulate the judge's obligation to keep the victim's identity confidential as an effort to protect. Furthermore, Article 3 of the SPPA Law regulates that the victim's identity may not be published. so that both general rules and special rules require law enforcement officers to provide a guarantee of confidentiality of victim data.

Within the framework of five laws such as the Child Protection Act, the Witness and Victim Protection Act, the Sexual Violence Crime Act, and the Juvenile Justice System Act, it has been determined whether their identities should be kept confidential or not disclosed, according to the Personal Data Protection Act, the victim's name is included in the general data category. However, digital traces can still be traced if they are still displayed in the SIPP. This This differs from the case of the Pasarwajo District Court in the SIPP system, as shown below.

Figure 5. SIPP PN Pasarwajo

Nomor Perkara	Penuntut Umum	Anak Berhadapan dengan Hukum	Status Perkara
15/Pid.Sus-Anak/2023/PN Psw	Wishnu Hayu Kurniawan,S.H	Anak Berhadapan Dengan Hukum	Minutasi

No	Nama
1	Fera Ferlita Margaret Alias Fera Binti La Eli
2	La Eli, T Bin La Tamu
3	Wa Nussa Binti La Tabawah
4	Samiludin Bin La Sanimu
5	Saksi Anak
6	Saksi Anak

Source: PN Pasarwajo

To protect the names of sexual violence victims, PN Pasarwajo obscures them by writing "child witness" to safeguard the rights of child victims whose identities must be kept confidential. Once information is published on the internet, it is likely to remain stored for a long time. Copying and sharing information have become increasingly easier. The internet has nearly unlimited capabilities in terms of storing and retrieving information¹⁶. This is relevant to the principle of the Right to be Forgotten (RTBF), which is an individual's right to be forgotten or erased¹⁷. Therefore, countries are obliged to respect, protect, and fulfil this right through the establishment of derivative regulations on RTBF mechanisms¹⁸. This is a crucial

¹⁶ Sayid Muhammad Rifqi Noval, "Menimbang Kembali Kehadiran Hak Untuk Dilupakan : Penerapan Dan Potensi Ancaman," *Jurnal Legislasi Indonesia* 17, no. 3 (September 29, 2020): 366, <https://doi.org/10.54629/jli.v17i3.586>.

¹⁷ Achmad Fachmi and Niko Grataridarga, "Analisis Bibliometrik Prinsip Hak Untuk Dilupakan (Right To Be Forgotten) Yang Terindeks.AI" 7, no. 2 (2023), <https://doi.org/10.15548/jib.v7i2.305>.

¹⁸ Fadillah Adkiras, "Right To Be Forgotten Sebagai Upaya Pemulihan Korban Kekerasan Seksual Berbasis Elektronik (KSBE)" (Yogyakarta, Universitas Islam Indonesia, 2023), <https://dspace.uui.ac.id/bitstream/handle/123456789/42647/2091063.pdf?sequence=1&isAllowed=y>.

point in legally protecting and enforcing children's rights¹⁹. Concerns arise if the names of child victims remain exposed, as this could lead to cyberbullying and become a serious problem for the victims, as the digital footprint on social media will be extremely difficult to erase. Some irresponsible individuals disseminate information that will further expose the victims.²⁰ Public understanding of a rule is very important to make the intended change. If people do not understand the benefits they will receive from these regulations, then it is very unlikely that they will comply. The problem of violence and exploitation of women and children in today's situation, of course, becomes a common concern for society, the state, and the world.

Regarding the evaluation of data leakage of child victims of sexual violence in case tracking systems: efforts to protect victim confidentiality, the leakage of data concerning child victims of sexual violence in Case Tracking Systems (SIPP) is a critical issue that undermines the principles of justice, child protection, and human rights. A comprehensive evaluation of this system is essential to ensure that victims' privacy is safeguarded, preventing re-victimisation or other negative impacts resulting from the exposure of their personal data. Findings from the evaluation reveal that several key factors primarily cause data leakage. First, the system design does not adequately address the security of sensitive data. While SIPP is intended to uphold the principle of public information transparency, it often lacks strict protocols for protecting the personal information of victims, particularly children. Details such as names, addresses, or case specifics are sometimes accessible to unauthorised parties.

Second, there is a lack of awareness and understanding among system users. Law enforcement officers and court staff frequently do not receive sufficient training regarding the importance of safeguarding victims' identities. This lack of knowledge makes victim data more vulnerable to leakage, whether accidentally or due to negligence. Third, weak oversight and control over system access exacerbate the problem. Some cases indicate that access to victim data is not tightly restricted, allowing unauthorised individuals to retrieve information that should remain confidential. To ensure the confidentiality of victims' identities, several significant improvements must be made to the system. First, implementing data encryption technology should be a top priority. Encryption ensures that victim data remains secure, even if the system is accessed by unauthorised parties. In addition, introducing two-factor authentication for system users can enhance access security. Second, the government should revise policies related to SIPP management, emphasising personal data protection as an integral part of the judicial process. This could include updating operational guidelines, such as replacing victims' names with initials or unique codes in publicly available documents. Third, training and education for law enforcement officers and court staff are imperative. They must understand that safeguarding victims' data is a professional responsibility and an ethical obligation to protect victims from further trauma. Fourth, stricter oversight of

¹⁹ Muhammad Deckri Algamar and Aliya Ilysia Irfana Ampri, "Hak Untuk Dilupakan: Penghapusan Jejak Digital Sebagai Perlindungan Selebriti Anak Dari Bahaya Deepfake," *Yustika Media Hukum Dan Keadilan* 25, no. 01 (2023): 25–39, <https://doi.org/10.24123/yustika.v25i01.5091>.

²⁰ Zahrah Rizka Wulandari et al., "Memperkuat Jiwa Kewarganegaraan Di Era Digital Dengan Pendidikan Kewarganegaraan Yang Komprehensif," *Jurnal Pendidikan Transformatif* 2, no. 2 (2023), <https://doi.org/10.9000/jpt.v2i2.354>.



the system should be conducted regularly. Periodic audits of SIPP can help identify potential data breaches and ensure that security protocols are consistently implemented. Finally, victims and their families should have access to effective reporting mechanisms if confidentiality breaches occur. This provides them with a sense of security and demonstrates the judicial system's commitment to protecting victims' rights. Through a comprehensive evaluation and the implementation of these corrective measures, it is hoped that data leakage of child victims of sexual violence can be minimised or eliminated entirely. By protecting victim identities, the judicial system not only delivers formal justice but also ensures tangible protection for victims, offering them a safe environment and support for recovery from their traumatic experiences.

Protection of Personal Data of Sexual Violence Victims from an Islamic Perspective

The rise of sexual crimes in Indonesia has made all citizens fearful of exercising their rights and freedoms as citizens, regardless of whether they are boys, girls, or adults. Everyone can become a target of arbitrary sexual violence, as it can take many forms and occur anywhere, including attempted rape, slavery, forced prostitution, human trafficking, sexual harassment (often in the form of catcalls in public places, winks, or displaying pornographic material), and more. Under Islamic criminal law, such acts are considered reprehensible and highly dishonourable. Every act of sexual violence contains elements of adultery. However, cases of adultery themselves sometimes do not fall within the definition of violence.

Sexual assault is referred to as "*at-taharussy al-jinsi*" in modern Arabic. Etymologically, "*attaharussy*" carries the meaning of causing distress, hatred, and hostility, as well as inciting enmity (*at-tahyiyi*) (*aligra*). It involves using sexual actions and any known human expressions to attack and disturb others. The Qur'an mentions both verbal and physical sexual harassment. The terms "*al-rafast*" and "*fakhsiyah*" are used in the Qur'an to describe verbal and physical sexual harassment. "*Ifhasy li al-mar'ah fi al-kalam*," or "*ar-rafast*," is described by interpreters as "despicable words towards women leading to sexuality." Both "*ar-rafasta*" and "*fakhsiyah*" refer to impure behaviour or speech that degrades and diminishes the dignity of women, including violent words and actions that promote sex, such as body shaming, which degrades women's physical appearance. Groping, pushing, massaging, rubbing limbs, and other similar behaviours are strictly prohibited in public or private spaces.²¹

Different academics have different definitions of adultery. *Zina*, according to Sayyid Sabiq, is a reckless and temporary relationship.²² Ibn Rushd offers a concise, precise and concise definition. Adultery is defined as any sexual activity carried out outside of legal marriage. Ibn Rushd defines adultery as any sexual activity that occurs not under legal marriage, in doubt, or without rightful ownership. Islamic scholars generally agree with this view but debate which behaviour is claimed to

²¹ Susiana Kifli and Atika Ismail, "Analisis Hak Korban Korban Kekerasan Seksual dalam Rancangan Undang-Undang Penghapusan Kekerasan Seksual dalam Perspektif Hukum Positif dan Hukum Islam," *Wajah Hukum* 6, no. 2 (October 14, 2022): 466, <https://doi.org/10.33087/wjh.v6i2.1093>.

²² Sayyid Sabiq, *Fiqh Sunnah* (Kairo: Dar al-Fath, 2019), 45.



avoid *had* punishment and which is not.²³ Wahbah Zuhaili said that adultery is a sexual act involving the reproductive system, one that incites lust and meets the criteria of *had*. While it is illegal to use a condom in a woman's vaginal opening or a man's or woman's anus, it is illegal to insert the tip or some level of a man's penis into it. A normal person's libido can be aroused by the vagina, which establishes the existence of a limit, whereas adultery has no bias aspect that can end the limit.²⁴ In Islam, Allah strictly prohibits this act as written in Q.S Al Isra: 32

“And do not approach adultery; indeed, it is an abomination and an evil way.”

Adultery is regarded as a very bad deed and is considered a sin according to Islamic law. Scholars agree with this view, with exceptions in the differences in punishment. Some academics argue that adultery is illegal, whether committed by married or unmarried individuals, as long as the sexual behaviour occurs outside of marriage. It does not diminish the seriousness of the offence, regardless of whether it is done voluntarily or with consent. No one feels offended, but according to Islam, adultery is a very heinous sexual act that should not be allowed.²⁵ Those committing adultery in the region of Aceh will receive the punishment of 100 lashes and exile. This is because, in Islam, the channelling of sexual instincts is determined to be through the institution of marriage. Therefore, the channelling of sexual instincts outside of a lawful marriage is forbidden by Islam, especially in the form of coercion or violence.²⁶

To avoid such vile deeds, in Islam, every follower is encouraged to respect fellow Muslims and uphold their dignity, as stated in the Q.S. An-Nisa: 86.

“And if you are greeted with a greeting, greet in return with something better or return it with the same. Indeed, Allah takes account of all things”.

In cases of sexual violence in Indonesia, most victims are women. From the Islamic perspective, a woman is a being whose status is highly esteemed. Therefore, it is obligatory to respect and honour women in Islam to uphold their dignity, as stated in the Q.S. An-Nisa: 33, which reads:

“And do not compel your female slaves to prostitution, if they desire chastity, seeking the temporary interests of worldly life. And if someone compels them, then indeed, Allah is Forgiving and Merciful (to them) after their compulsion. This verse at least suggests an effort to prohibit all forms of coercion and sexual exploitation, as well as support and assistance for victims of sexual exploitation so that they can become safe and confident again”.

Additionally, there is a verse that directs towards the prohibition of coercion in sexual matters, while also providing protection for victims of sexual violence.

²³ Muhammad bin Ahmad bin Muhammad bin Rusyd, *Bidayah al Mujtahid Wa Nihayah al Muqtasid*, Juz. 2 (Beirut Libanon: Dar Ibnu Ashshashah, 2005), 355.

²⁴ Wahbah al Zuhaili, *Fiqh Imam Syafi'i*, Jilid 3, *Terjemahan*. M. Afifi & Abdul Hafiz (Jakarta: Al Mahira, 2012), 260.

²⁵ Rahmat Hakim, *Hukum Pidana Islam (Fiqh Jinayah)* (Bandung: Pustaka Setia, 2000), 55.

²⁶ Mutiara Bintang Selian, “Perlindungan Hukum Serta Penegakan HAM Terhadap Korban Kekerasan Seksual: Kajian Perspektif Hukum Pidana Islam,” *Civilia: Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan* 2, no. 4 (2023), <https://doi.org/10.18860/cik.v14i2.17850>.



“And do not force your female slaves to engage in prostitution, even though they themselves want purity, because you want to seek worldly gain. And whoever forces them, then surely Allah is Forgiving, Most Merciful (to those who are forced) after they are forced”. (Q.S An-Nur: 33)

This verse at least hints at efforts to prohibit all forms of coercion and sexual exploitation, as well as support and assistance for victims of sexual exploitation so they can feel safe and confident again. Adultery and rape in Islam are prohibited by various verses of the Qur'an and hadith texts, as stated by Prophet Muhammad (SAW) in a hadith text: *“A person who commits adultery, when they commit adultery, is not a believer.”* The legal sources of Hadith are clearly oriented towards providing protection of human rights for women who are victims of crimes from the threat of punishment. For example, if a victim forced into adultery does not dare to show resistance due to fear of more severe abuse or even being killed and is thus compelled to comply with the perpetrator's demands, they are exempt from legal sanctions for their actions.²⁷

During the time of the Prophet Muhammad (SAW), there was an incident of rape. Ibn Qayyim stated that the above verse was referred to as an argument by Ali bin Abi Talib in front of Caliph Umar bin al-Khattab to free a woman who was forced to have sexual intercourse by a shepherd just to get water because the woman was very thirsty.²⁸ The Prophet (peace be upon him) said, *“My nation has been forgiven for mistakes, forgetfulness, and things they are forced to do.”* (Narrated by Thabrani). Yusuf Qardhawi stated that emergencies that justify someone to do something prohibited under normal circumstances include coercion with threats. If someone is forced under threat to do something without any other choice, they are not sinful for their actions, even if it involves disbelief (*kufr*), which is the greatest crime in Islamic law. The coercion experienced by women in responding to acts of sexual violence against them should be viewed as a form of torture and physical abuse that is deeply concerning. Nonetheless, what befalls women victims of sexual violence represents actions that exceed the boundaries of human values and cannot be tolerated. Madzhan Hanafi also explains emergencies involving coercion and threats, where individuals are compelled to do something they naturally (humanly) or legally (religiously) dislike, to save themselves from more severe danger.²⁹

In Islamic jurisprudence, rape is also referred to as *hirabah*. In this context, if rape is accompanied by torture or robbery, the punishment is increased. Sayyid Sabiq defines it as a banditry that enters an Islamic territory, causing chaos, shedding blood, forcibly taking possessions, and violating honour. It is considered a major sin (Q.S Al Maidah:33).

“Indeed, the punishment for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the

²⁷ Ika Agustini, Rofiqur Rachman, and Ruly Haryandra, “Perlindungan Hukum Terhadap Korban Kekerasan Seksual: Kajian Kebijakan Hukum Pidana Indonesia Dan Hukum Pidana Islam,” *Rechtenstudent* 2, no. 3 (December 28, 2021): 351, <https://doi.org/10.35719/rch.v2i3.89>.

²⁸ Wahbah al-Zuhaili, *Al-Fiqh al-Islami Wa Adillatuhu* (Danaskus: Dar al-Fikr, 1997), 249.

²⁹ Abdul Wahid and Muhammad Irfan, *Perlindungan Terhadap Korban Kerasan Seksual, Advokasi Atas Hak Asasi Perempuan* (Bandung: PT Refika Aditama, 2011), 149.



land. This is for them a disgrace in this world; and for them in the Hereafter is a great punishment."

The conditions for *hirabah* are that the perpetrator must be of sound mind, the crime must occur in a deserted place far from populated areas, and the action must be carried out openly with weapons, even if just stones. Scholars such as Shafi'i, Malik, Abu Yusuf, followers of Hanbali school, Abu Thaur, and Ibn Hazm agree on the punishment for *hirabah*. The penalties are severe, including execution, crucifixion, amputation of limbs from opposite sides, or exile from the perpetrator's homeland. Ibn Hazm defines *al-Muharib* (the perpetrator of *hirabah*) as someone who feels powerful, instils fear in people, and causes corruption on earth deliberately or unintentionally, at night or during the day, in cities or villages, in palaces or mosques, led by a leader among them or independently, excluding the legitimate authority (the caliph), using armies or other means, whether acting alone or in a group, in open deserted fields or among the population, and in large or small cities. Anyone who attacks others, threatening to kill, rob, injure, or commit sexual harassment is considered a *muharib*. They are few or many, and must be punished as *muharib*.³⁰

Islamic legal protection offers a framework for addressing the problems faced by women as victims of sexual violence (rape). Besides its psychological impact, rape victims may also experience unwanted pregnancy. Islamic law provides a way out for the victims. According to Al-Jazairi in his book 'Kitab al-Fiqh ala Madhahib al-Arba'ah', a woman forced into adultery (rape) is not punishable, and it is obligatory for the perpetrator to provide compensation (*shadaqah*), and the child is considered legitimate if she becomes pregnant. Islamic criminal law is not something to frighten people but a provision to prevent fear of the possibility of becoming victims of crime. As part of elaborating on protecting human rights, Islamic law can fulfil the teachings of Islam as a mercy to all mankind. To assess the objectivity of this rape punishment, general *maqasid* principles must also be used, which, with these general principles, will show whether such a punishment can be considered objective or not. Among the principles that can be used is that Sharia establishes laws based on benefit (*maslahat*).

Victims should be protected from persecution and discrimination and given access to health services and psychological support. To protect victims of sexual violence, Islamic protection measures include the application of criminal law to perpetrators as well as psychical and psychological recovery efforts for victims. Perpetrators of sexual violence and harassment are subject to criminal penalties as a form of punishment. All types of sexual activity with another person who are not based on the bond of marriage, regardless of gender, age or sexual orientation, are considered adultery in Islam. Islamic law also provides for the punishment of perpetrators of violence and harassment.³¹

Islamic legal protection provides opportunities for victims, particularly women who have suffered from sexual violence (rape). Besides its psychological impacts, rape victims may also face unwanted pregnancies. Islamic law offers a way out for victims. According to Al-Jazaziry in Kitab al-Fiqh 'ala Madhahib al-Arba'ah, a

³⁰ Nasaruddin Umar, *Ketika Fiqih Membela Perempuan* (Jakarta: PT Gramedia, 2014), 216.

³¹ Ika Agustini, Rofiqur Rachman, and Ruly Haryandra, "Perlindungan Hukum Terhadap Korban Kekerasan Seksual: Kajian Kebijakan Hukum Pidana Indonesia Dan Hukum Pidana Islam," *Rechtenstudent* 2, no. 3 (2021): 344, <https://doi.org/10.35719/rch.v2i3.89>.



woman who is forced into adultery (raped) is not liable to punishment, and it is obligatory for the perpetrator to provide compensation (*shadaqah*). The child born is considered legitimate, similar to a lawful child, if the woman becomes pregnant.

In preventing acts of sexual violence, Islam also emphasises the active role of each individual. Everyone must report any incident or suspicion of sexual assault to the authorities who have the authority to handle the case. This is part of preventing acts of violence and an effort to uphold justice and protection for victims. The state also has an important role to play in protecting victims of sexual violence. States must ensure that victims of sexual violence receive proper protection and justice. Protection of victims of sexual violence focuses more on providing criminal punishment to perpetrators and recovery efforts for victims. This includes rehabilitation and psychological recovery efforts that assist victims in recovering and coping with the traumatic impacts of sexual violence they experienced.³²

The concept of *hifz al-nafs* refers to self-protection, emphasising the importance of taking care of one's physical and mental health as well as avoiding self-defeating behaviours, such as drug or alcohol addiction. This concept rests on the importance of protecting the physical and mental soul from persecution. *Hifz al-nafs* emphasises the protection of one's life and soul,³³ which includes the protection of one's honour and integrity, even when it pertains to the protection of victims of sexual assault. In the context of this concept, Islamic teachings emphasise the importance of justice, social sustainability, and peace in society. This concept also encourages teaching ethical values that encourage respectful and ethical behaviour, as well as efforts to prevent sexual violence.

To prevent sexual violence as an effort to maintain the soul of *hifz al-nafs*, it is very important to apply the concept of *hifz al-nafs* and raise awareness about individual rights and signs of sexual violence. Protecting victims of sexual violence is an important step in maintaining social stability and peace. In addition, every member of society has an important role in carrying out the concept of *hifz al-nafs*. Everyone can help provide protection and justice by knowing and doing things

³² Nur Lailatul Musyafa'ah et al., "Protection of Sexual Violence Victims from the Perspective of Maqāshid Al-Shari'ah," *Islamica: Jurnal Studi Keislaman* 18, no. 1 (September 1, 2023): 147, <https://doi.org/10.15642/islamica.2023.18.1.134-156>.

³³ Asrul Hamid and Dedisyah Putra, "The Practice of Buying and Selling During Friday Prayer in Mandailing District Natal: A Study With A Maqashid Al-Syari'ah Approach," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (December 25, 2021): 1021–43, <https://doi.org/10.22373/sjhk.v5i2.7575>; Danil Putra Arisandy, Asmuni Asmuni, and Muhammad Syukri Albani Nasution, "The Majelis Ulama's Fatwa on Freedom of Expression On Social Media: The Perspective of Maqashid Sharia," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 November (December 1, 2022): 467–86, <https://doi.org/10.29240/jhi.v7i2.5235>; Abbas Arfan et al., "The Implementation of Maqashid Sharia: Heterogeneity of Scholars' Fatwas towards Islamic Banking Contracts," *Legality: Jurnal Ilmiah Hukum* 32, no. 1 (March 14, 2024): 105–28, <https://doi.org/10.22219/ljih.v32i1.32170>; Rahmatiah HI et al., "Strict Liability and Product Safety: The Case of Dangerous Syrup in Indonesia in the Maqashid Syariah Perspective," *AHKAM: Jurnal Ilmu Syariah* 23, no. 2 (December 31, 2023), <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/34240>; Ending Solehudin et al., "Transformation of Shariah Economic Justice: Ethical and Utility Perspectives in the Framework of Maqashid Shariah," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (June 30, 2024): 101–15, <https://doi.org/10.30631/alrisalah.v24i1.1467>.



right.³⁴ *Hifz al-nafs* is not only a concept in Islam but also relevant within a universal legal and ethical framework. Many organisations and agencies around the world support the protection of victims of sexual violence and promote common human values. Therefore, the concept of *hifz al-nafs* is not only a religious concept but also a global perspective on the protection of victims of sexual violence. The protection has also extended to ensuring their children are protected from threats.

Protection of personal data is a right of the community that must be safeguarded, even in Islam, through the saying of Prophet Muhammad, promoting peace by prioritising attitudes of mutual respect, honour, and compassion towards fellow human beings. These attitudes should be practised among people of different religions, not only among Muslims. As stated in the Sahih Bukhari, the Prophet saw said:

“If someone peeks into your house without your permission, and you throw a stone at them that blinds their eye, you are not to blame for it”.

This hadith explains that one way to respect and honour others is by respecting their privacy and not violating or disturbing them. Meanwhile, according to positive law in Indonesia, the protection of privacy is guaranteed under Article 28G, paragraph 1 of the 1945 Constitution, stating that everyone has the right to protection of personal self, family, dignity, honour, property, as well as the right to obtain security and protection from intimidation to act or not to act, which is their fundamental right. In Islam, some laws serve as guidelines and legal sources, such as the Quran and the Sunnah of the Prophet Muhammad SAW. Both sources are used as references in organising the lives of Muslims.³⁵ Q.S An-Nisa': 59 explicitly mentions that Muslims, in resolving matters, must adhere to the Qur'an and Sunnah.

“O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result.” (Q.S. An-Nisa:59).

Islam regards privacy as something to be respected because it concerns the confidentiality of individuals. In E-Commerce transactions, personal data must be protected because this privacy relates to one's profile, contact history, location, images, documents, and other aspects of personal privacy. Even in the Quran, the importance of privacy is emphasised, as in Allah's words stated in Q.S. An-Nur:27.

³⁴ Moh Dahlan, Mohammad Reevany Bustami, and Siti Mas'ulah, “Islamic Principle of Hifz Al-Nafs (Protection of Life) and COVID-19 in Indonesia: A Case Study of Nurul Iman Mosque of Bengkulu City,” *Heliyon* 7, no. 7 (2021): 6, <https://doi.org/10.1016/j.heliyon.2021.e07541>; Aam Rusydiana et al., “Waqf, Maqasid al-Sharia, and SDG-5: A Model for Women's Empowerment,” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (December 31, 2022): 325–35, <https://doi.org/10.19105/al-lhkam.v17i2.6572>; Nofiardi Nofiardi and Fahmil Samiran, “Living Under the Same Roof Before the Date of Separation: The Relevance of Maqāṣid al-Sharī'ah and Minangkabaunese Custom in A New Direction for Families,” *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 15, 2023): 305–16, <https://doi.org/10.31958/juris.v22i2.9014>.

³⁵ Abdul Wahhab Khalaf, *Ilmu Ushul Fikih, Terjemahan Halimuddin* (Jakarta Timur: Rineka Cipta, 2012), 14.



“You who have believed, do not enter houses other than your own houses until you ascertain welcome and greet their inhabitants. That is best for you; perhaps you will be reminded”.

Allah has set forth a precise rule in social interactions to maintain good relations among human beings by not entering someone else's house without their permission. This is intended to make believers more cautious, avoiding looking at others' faults or inappropriate events. Based on the explanation in Q.S An-Nur: 27, it is crucial to preserve someone's secrets. Although the Quran does not detail how to protect personal data in e-commerce transactions, Allah's command in Surah An-Nur, verse 27, is relevant, instructing believers to greet and seek permission before entering someone's home. This signifies that through His words in Q.S An-Nur: 27, Allah has provided protection and boundaries for believers in social interactions. This aligns with regulations concerning the protection of individuals' personal data, which is accessible only with their consent. This is consistent with the saying of the Prophet Muhammad (peace be upon him) in a hadith from Sahih Bukhari, asserting that if someone peeks into your house without permission and you throw a stone at them, blinding their eye, you bear no sin.³⁶

The Rights of Personal Data Owners in Islam. Kitman is one of the commendable attitudes that every Muslim should possess, which is to maintain secrecy in order to protect the flaws or personal security of others and the community as a whole for the sake of achieving the benefits stipulated in religion. This is based on the hadith narrated by Abu Hurairah as follows: "I heard the Prophet, peace and blessings be upon him, saying, 'Every one of my *Ummah* (community of believers) will be forgiven by Allah, except for *al-Mujahirin* (those who commit a sin openly or disclose their sins to others). An example of this is a man who does something (bad) at night, and then in the morning, when Allah has concealed his sin, he says, 'O so-and-so, I did such and such last night.' His Lord had covered his sin all night, but he uncovers what Allah had concealed for him in the morning.'" (Narrated by Bukhari and Muslim). The Messenger of Allah, peace and blessings be upon him, said:³⁷

“Make your needs successful by hiding them, because everyone who has a blessing will definitely get jealousy (from others).” (Narrated by Thabrani: 20/94 and considered authentic by Al-Albani).

Based on the hadith above, if we observe closely, Allah SWT commands us to safeguard our secrets and have the right to protect our privacy to avoid jealousy or misuse. This explains that even though Islamic law does not explicitly detail the rights and obligations of personal data owners to protect their rights, the aforementioned hadith already demonstrates how Islam strongly encourages us to protect our privacy. The Obligations of Personal Data Owners in Islam. In Islam, although the obligations of electronic system providers are not explicitly mentioned in guaranteeing privacy, Q.S. An-Nur: 28 emphasises permission regarding privacy.

³⁶ Parida Angriani, “Perlindungan Hukum terhadap Data Pribadi dalam Transaksi E-Commerce: Perspektif Hukum Islam dan Hukum Positif,” *DIKTUM: Jurnal Syariah dan Hukum* 19, no. 2 (2021): 153, <https://ejurnal.iainpare.ac.id/index.php/diktum/article/view/2463/924>.

³⁷ Jannah Zakiah Nur, *Mendidik Anak Muslim Generasi Digital*, 1st ed. (Surabaya: Pustaka Al-Uswah, 2020), 13.



“And if you do not find anyone therein, do not enter until you have been given permission. And if it is said to you, 'Go back,' then go back; it is purer for you. And Allah is Knowing of what you do”.

Imam Nawawi, in the book *Riyadhus Shalihin*, mentioned a hadith narrated by Abu Hurairah, *“It is enough for a person to be considered a liar if he narrates everything he hears”* (Narrated by Abu Hurairah, may Allah be pleased with him, reported by Muslim).

The hadith above implies maintaining attitudes towards others, trusting each other, being cautious about anything known to others, and not spreading a friend's secrets because keeping others' secrets is akin to safeguarding one's own secrets. From the excerpts of the verse and hadith, it is clear that every operator in electronic activities is obliged to protect someone's privacy so that people do not misuse others' privacy because violations of someone's privacy can cause harm to the victim if their data is used for certain crimes by irresponsible parties.

Conclusion

Five laws (Witness and Victim Protection Law, Sexual Violence Crime Law, Personal Data Protection Law, Juvenile Justice System Law, and Child Protection Law) regulate victim confidentiality to prioritise the best interests of children as the nation's next generation. However, in reality, several courts, such as the Baubau District Court, were found to display victim information that included the victim's name, while the Pasarwajo District Court in the SIPP only displayed victim data with a pseudonym, namely “witness child”. This is relevant when viewed from the perspective of the Qur'an and Hadith, asserting that Muslims are prohibited from approaching adultery, and those who commit adultery will be punished both in this world and in the hereafter. The leak of personal data of victims of sexual violence published in the Court's SIPP is very contrary to the teachings of Islamic law and positive law, this study is expected to be an evaluation and always consider the principle of caution in managing victim data and have a view of the importance of protecting personal data of victims of sexual violence. The implications of personal data protection for victims of sexual violence, when associated with *Maqashid Syariah*, are that the protection of the soul (*hifz al-nafs*) and mind (*hifz al-'aql*) of children is part of the shared responsibility borne by the family, society, and government. Protection of the soul includes protecting the child's physical safety, while protecting the mind includes maintaining the child's mental and intellectual well-being. For future suggestions, the Supreme Court needs to create operational standards for managing the Court's SIPP and pay attention to the principle of caution and prioritise the protection of personal data for victims of sexual violence.

Bibliography:

Adkiras, Fadillah. “Right To Be Forgotten Sebagai Upaya Pemulihan Korban Kekerasan Seksual Berbasis Elektronik (KSBE).” Universitas Islam Indonesia, 2023.
<https://dspace.uui.ac.id/bitstream/handle/123456789/42647/2091063.pdf?sequence=1&isAllowed=y>.



- Agustini, Ika, Rofiqur Rachman, and Ruly Haryandra. "Perlindungan Hukum Terhadap Korban Kekerasan Seksual: Kajian Kebijakan Hukum Pidana Indonesia Dan Hukum Pidana Islam." *Rechtenstudent* 2, no. 3 (2021). <https://doi.org/10.35719/rch.v2i3.89>.
- . "Perlindungan Hukum Terhadap Korban Kekerasan Seksual: Kajian Kebijakan Hukum Pidana Indonesia Dan Hukum Pidana Islam." *Rechtenstudent* 2, no. 3 (December 28, 2021): 342–55. <https://doi.org/10.35719/rch.v2i3.89>.
- Algamar, Muhammad Deckri, and Aliya Ilysia Irfana Ampri. "Hak Untuk Dilupakan: Penghapusan Jejak Digital Sebagai Perlindungan Selebriti Anak Dari Bahaya Deepfake." *Yustika Media Hukum Dan Keadilan* 25, no. 01 (2023): 25–39. <https://doi.org/10.24123/yustika.v25i01.5091>.
- Alifiyah, Rifdah, and Isa Anshori. "Legal Protection for Children in Cases of Domestic Violence in the Indonesian Households." *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (December 30, 2023): 348–61. <https://doi.org/10.22373/ujhk.v6i2.19153>.
- Angriani, Parida. "Perlindungan Hukum terhadap Data Pribadi dalam Transaksi E-Commerce: Perspektif Hukum Islam dan Hukum Positif." *DIKTUM: Jurnal Syariah dan Hukum* 19, no. 2 (2021). <https://ejurnal.iainpare.ac.id/index.php/diktum/article/view/2463/924>.
- Anindya, Astri, Yuni Indah Syafira, and Zahida Dwi Oentari. "Dampak Psikologis Dan Upaya Penanggulangan Kekerasan Seksual Terhadap Perempuan." *TIN: Terapan Informatika* 1, no. 3 (2020). <http://ejurnal.seminar-id.com/index.php/tin/article/view/394>.
- Aprilia, Dede Cindy, and Abdul Mu'ti. "Kekerasan Seksual di Lingkungan Pesantren." *Journal on Education* 05, no. 01 (2022). <https://www.jonedu.org/index.php/joe/article/view/665>.
- Arfan, Abbas, Iklil Athroz Arfan, Abdulrahman Alkoli, and Ramadhita Ramadhita. "The Implementation of Maqashid Sharia: Heterogeneity of Scholars' Fatwas towards Islamic Banking Contracts." *Legality : Jurnal Ilmiah Hukum* 32, no. 1 (March 14, 2024): 105–28. <https://doi.org/10.22219/ljih.v32i1.32170>.
- Arisandy, Danil Putra, Asmuni Asmuni, and Muhammad Syukri Albani Nasution. "The Majelis Ulama's Fatwa on Freedom of Expression On Social Media: The Perspective of Maqashid Sharia." *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 November (December 1, 2022): 467–86. <https://doi.org/10.29240/jhi.v7i2.5235>.
- Aryani, Descy, Nala Nugid Juwita, Juan Masyura, and Diva Ariesta Kusuma. "Penggunaan Sistem Informasi Penelusuran Perkara (SIPP) di Pengadilan Negeri Boyolali Kelas 1B." *Magistrorum Et Scholarium Jurnal Pengabdian Masyarakat* 3, no. 01 (2022). <https://doi.org/10.25216/jms.4.1.2015.83-200>.
- Azisa, Nur, Nur Amelinda Kharia, Maskun, Nurul Hidayat Ab Rahman, and Arnita Pratiwi Arifin. "Criminal Acts of Physical and Non-Physical Sexual Violence in University." *Jurnal IUS Kajian Hukum dan Keadilan* 12, no. 3 (December 26, 2024). <https://jurnalius.ac.id/ojs/index.php/jurnalIUS/article/view/1497>.
- Dahlan, Moh, Mohammad Reevany Bustami, and Siti Mas'ulah. "Islamic Principle of Hifz Al-Nafs (Protection of Life) and COVID-19 in Indonesia: A Case Study of Nurul Iman Mosque of Bengkulu City." *Heliyon* 7, no. 7 (2021). <https://doi.org/10.1016/j.heliyon.2021.e07541>.



- Fachmi, Achmad, and Niko Grataridarga. "Analisis Bibliometrik Prinsip Hak Untuk Dilupakan (Right To Be Forgotten) Yang Terindeks.AI" 7, no. 2 (2023). <https://doi.org/10.15548/jib.v7i2.305>.
- Hadisaputro, Elvin Leander, and Nuorma Wahyuni. "Analisis Tingkat Penerimaan Penggunaan Sistem Informasi SIPP di Pengadilan Agama Penajam." *Jurnal Informatika dan Komputasi* 12, no. 1 (January 2022). <https://doi.org/10.30700/jst.v12i1.1197>.
- Hakim, Rahmat. *Hukum Pidana Islam (Fiqh Jinayah)*. Bandung: Pustaka Setia, 2000.
- Hamid, Asrul, and Dedisyah Putra. "The Practice of Buying and Selling During Friday Prayer in Mandailing District Natal: A Study With A Maqashid Al-Syari'ah Approach." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (December 25, 2021): 1021–43. <https://doi.org/10.22373/sjhk.v5i2.7575>.
- Hasanudin, Hasanudin, Oyo Sunaryo Mukhlas, Muhammad Farhan Bin Mat Noradin, Ending Solehudin, and Dedah Jubaedah. "Phenomena of Domestic Violence Against Women and Divorce in 2020-2022 in Indonesia: An Islamic Perspective." *Al-Manahij: Jurnal Kajian Hukum Islam*, August 23, 2023, 137–52. <https://doi.org/10.24090/mnh.v17i2.7686>.
- HI, Rahmatiah, Tri Suhendra Arbani, Risnah Risnah, and Rahmatul Akbar. "Strict Liability and Product Safety: The Case of Dangerous Syrup in Indonesia in the Maqashid Syariah Perspective." *AHKAM: Jurnal Ilmu Syariah* 23, no. 2 (December 31, 2023). <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/34240>.
- Khalaf, Abdul Wahhab. *Ilmu Ushul Fikih, Terjemahan Halimuddin*. Jakarta Timur: Rineka Cipta, 2012.
- Kifli, Susiana, and Atika Ismail. "Analisis Hak Korban Korban Kekerasan Seksual dalam Rancangan Undang-Undang Penghapusan Kekerasan Seksual dalam Perspektif Hukum Positif dan Hukum Islam." *Wajah Hukum* 6, no. 2 (October 14, 2022): 462. <https://doi.org/10.33087/wjh.v6i2.1093>.
- Labesak, Billy Ridelson. "Kajian Hukum Keterbukaan Informasi di Pengadilan Dalam Rangka Implementasi Integritas dan Kepastian Hukum." *Lex Et Societatis* VII, no. 5 (2019). <https://doi.org/10.25216/lex.4.1.2019.83-100>.
- Mansyah, Muh Sutri. "The Judge's Paradigm in Deciding Criminal Cases of Sexual Violence from A Victimological Perspective." *Buana Gender: Jurnal Studi Gender Dan Anak* 1, no. 2 (2024). <https://doi.org/10.22515/bg.v9i1.8666>.
- Mansyur, Ridwan. "Keterbukaan Informasi di Pengadilan pada Penerapan Sistem Penelusuran Alur Perkara." *Jurnal Hukum dan Peradilan* 4, no. 1 (March 31, 2015): 83. <https://doi.org/10.25216/jhp.4.1.2015.83-100>.
- Musyafa'ah, Nur Lailatul, Ahlam Nugraha, Muhammad Ilham Akbar, and Cecep Soleh Kurniawan. "Protection of Sexual Violence Victims from the Perspective of Maqāṣid Al-Sharī'ah." *Islamica: Jurnal Studi Keislaman* 18, no. 1 (September 1, 2023): 134–56. <https://doi.org/10.15642/islamica.2023.18.1.134-156>.
- Nofiardi, Nofiardi, and Fahmil Samiran. "Living Under the Same Roof Before the Date of Separation: The Relevance of Maqāṣid al-Sharī'ah and Minangkabau Custom in A New Direction for Families." *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 15, 2023): 305–16. <https://doi.org/10.31958/juris.v22i2.9014>.



- Noval, Sayid Muhammad Rifqi. "MENIMBANG KEMBALI KEHADIRAN HAK UNTUK DILUPAKAN : PENERAPAN DAN POTENSI ANCAMAN." *Jurnal Legislasi Indonesia* 17, no. 3 (September 29, 2020): 366. <https://doi.org/10.54629/jli.v17i3.586>.
- Nur, Jannah Zakiah. *Mendidik Anak Muslim Generasi Digital*. 1st ed. Surabaya: Pustaka Al-Uswah, 2020.
- Pangestu, Ryan Haryo, Ariya Dwika Cahyono, and Penidas Fiodinggo Tanaem. "Analisis Manajemen Resiko Aplikasi SIPP di Pengadilan Negeri Salatiga Kelas 1B Menggunakan ISO 31000." *Journal of Computer and Information Systems Ampara* 2, no. 1 (January 7, 2021): 43–57. <https://doi.org/10.51519/journalcisa.v2i1.59>.
- Rahmi, Atikah. "Urgensi Perlindungan Bagi Korban kekerasan Seksual Dalam Sistem Peradilan Pidana Terpadu Berkeadilan Gender." *JURNAL MERCATORIA* 11, no. 1 (June 28, 2018): 37. <https://doi.org/10.31289/mercatoria.v11i1.1499>.
- Rusyd, Muhammad bin Ahmad bin Muhammad bin. *Bidayah al Mujtahid Wa Nihayah al Muqtasid, Juz. 2*. Beirut Libanon: Dar Ibnu Ashshashah, 2005.
- Rusydiana, Aam, Raditya Sukmana, Nisful Laila, and Sherrindra Avedta. "Waqf, Maqasid al-Sharia, and SDG-5: A Model for Women's Empowerment." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (December 31, 2022): 325–35. <https://doi.org/10.19105/al-lhkam.v17i2.6572>.
- Sabiq, Sayyid. *Fiqh Sunnah*. Kairo: Dar al-Fath, 2019.
- Selian, Mutiara Bintang. "Perlindungan Hukum Serta Penegakan HAM Terhadap Korban Kekerasan Seksual: Kajian Perspektif Hukum Pidana Islam." *Civilia : Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan* 2, no. 4 (2023). <https://doi.org/10.18860/cik.v14i2.17850>.
- Siregar, Elizabeth, Dessy Rakhmawaty, and Zulham Adamy Siregar. "Kekerasan Seksual Terhadap Perempuan: Realitas dan Hukum." *PROGRESIF: Jurnal Hukum* 14, no. 1 (June 25, 2020). <https://doi.org/10.33019/progresif.v14i1.1778>.
- Sitompul, Anastasia Hana. "Kajian Hukum Tentang Tindak Kekerasan Seksual Terhadap Anak di Indonesia." *Lex Crimen* IV, no. 1 (2015). <https://doi.org/10.30780/crm.12i1.11800>.
- Sofiani, Triana, Iqbal Kamalludin, and Raihanah Abdullah. "Violence Against Women in Pre-Marital Relationships: The Ngemblok Tradition among the Muslim Community in Rembang." *Journal of Islamic Law* 5, no. 2 (August 1, 2024): 147–69. <https://doi.org/10.24260/jil.v5i2.2680>.
- Solehudin, Ending, Miftakhul Huda, Hisam Ahyani, Md Yazid Ahmad, Hasanah Abd Khafidz, Encep Taufik Rahman, and Moh Syarif Hidayat. "Transformation of Shariah Economic Justice: Ethical and Utility Perspectives in the Framework of Maqashid Shariah." *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (June 30, 2024): 101–15. <https://doi.org/10.30631/alrisalah.v24i1.1467>.
- Suryani, Irma, Yulnetri Yulnetri, Amrina Amrina, Ifelda Nengsih, and Daleleer Kaur Randawar. "Reformulation of Bundo Kanduang's Role in Solving Domestic Violence Cases." *Jambura Law Review* 5, no. 2 (May 31, 2023): 199–219. <https://doi.org/10.33756/jlr.v5i2.19172>.
- Umar, Nasaruddin. *Ketika Fiqih Membela Perempuan*. Jakarta: PT Gramedia, 2014.



- Wahid, Abdul, and Muhammad Irfan. *Perlindungan Terhadap Korban Kerasan Seksual, Advokasi Atas Hak Asasi Perempuan*. Bandung: PT Refika Aditama, 2011.
- Wulandari, Zahrah Rizka, Novia Azzahra, Purwati Wulandari, Halimah Halimah, and Gunawan Santoso. "Memperkuat Jiwa Kewarganegaraan Di Era Digital Dengan Pendidikan Kewarganegaraan Yang Komprehensif." *Jurnal Pendidikan Transformatif* 2, no. 2 (2023). <https://doi.org/10.9000/jpt.v2i2.354>.
- Yustiningsih, Indriastuti. "Perlindungan Hukum Anak Korban Kekerasan Seksual dari Reviktimisasi dalam Sistem Peradilan Pidana." *Lex Renaissance* 5, no. 2 (April 1, 2020). <https://doi.org/10.20885/JLR.vol5.iss2.art3>.
- Zuhaili, Wahbah al-. *Al-Fiqh al-Islami Wa Adillatuhu*. Danaskus: Dar al-Fikr, 1997.
- Zuhaili, Wahbah al. *Fiqh Imam Syafi'i, Jilid 3, Terjemahan*. M. Afifi & Abdul Hafiz. Jakarta: Al Mahira, 2012.

