

Review of islamic criminal law on physical violence committed by teachers against students

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Abstract: The phenomenon of teacher violence in education raises serious concerns because it threatens children's physical and psychological development. This study aims to examine the limits and forms of physical punishment by teachers that are considered beyond reasonableness in the perspective of Islamic criminal law. Using a qualitative method with a normative juridical approach through library research, data were obtained from classical fiqh works, tafsir, hadith, child protection laws, and relevant academic studies. The analysis employed a normative-analytical framework to compare sharia norms with Indonesian positive law. The findings indicate that violence causing injury, trauma, humiliation, or carried out in anger constitutes jinayah and cannot be justified. Islam only tolerates light discipline (ta'dib) that is educational, painless, and free from emotional motives. The study contributes by showing the alignment between Islamic law and Indonesian positive law in protecting children, while also emphasizing the need for teachers to adopt humanist and moral-based educational approaches supported by legal literacy.

Keywords: Review of Islamic Criminal Law, Physical Violence, Teachers Against Students

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Introduction

The world of education is ideally a safe and conducive space for children's intellectual, emotional, and spiritual growth. Education not only serves to transfer knowledge but also shapes students' character and personality, with teachers positioned as educators, guides, and role models. However, in practice, cases of physical violence by teachers against students are still frequently found, contradicting the noble mission of education and the principle of child protection (Fitri, 2023). Physical punishments, such as hitting students for violating discipline or failing assignments, often result in negative psychological impacts, trauma, reduced learning motivation, and damaged relationships between teachers and students. In some cases, these incidents escalate to legal proceedings initiated by parents, tarnishing the image of education and diminishing public trust in schools (Roqib, 2019). Violence in education, therefore, emerges as a significant social problem that requires careful examination.

Violence in the educational sphere continues to be a serious concern, particularly when the perpetrator is a teacher who should serve as a role model. This statement requires strengthening through statistical evidence. According to data from FSGI (2024), there were more than 150 severe cases of violence in schools over the last five years, involving over 600 students. Physical violence was the most dominant (55%), followed by sexual violence (35%), psychological violence (7%), and policy-related violence (3%). These figures show that teacher violence is not just an individual act but reflects systemic weaknesses in educational policy and teacher supervision.

Islam emphasizes that education must be carried out with compassion (rahmah), tenderness (rifq), and wisdom (hikmah). Violence, even when intended as discipline, cannot be justified if it causes physical or psychological harm to children. Within Islamic criminal law, such actions may fall under

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the category of ta'zir, namely punishments for reprehensible acts not specified in the nas but still forbidden (Masyithoh, 2018). According to the maqashid sharia, acts of violence contradict the objectives of protecting life (hifzh al-nafs) and reason (hifzh al-'aql). This principle can also be linked to Indonesian positive law, including the Child Protection Law, which explicitly prohibits violence against children and stipulates criminal sanctions for perpetrators. Thus, there is a strong alignment between Islamic law and state law in prohibiting physical violence against students.

The Qur'an and hadith provide strong arguments relevant to this phenomenon. The Qur'an in Surah An-Nahl verse 125 commands believers to invite others with wisdom, good teaching, and respectful dialogue (Indonesia, 2018). Similarly, the hadith narrated by Al-Albany regarding commanding children to pray emphasizes discipline but within the limits of compassion and proportionality. These arguments are important not only as scriptural citations but as analytical evidence that excessive violence in the name of education contradicts the maqashid sharia.

Scholarly studies on this issue have been carried out from various perspectives. (Krisna, 2024), in his study "Tinjauan Yuridis terhadap Tindak Pidana Kekerasan terhadap Anak yang Dilakukan oleh Guru dalam Perspektif Hukum Islam dan Hukum Positif," concluded that both Islamic law and Indonesian law strictly prohibit physical violence. The Qur'an and Hadith emphasize compassion in education, while the Criminal Code and Child Protection Law regulate sanctions. His findings reveal that physical punishment is ineffective for discipline and instead causes physical pain, psychological instability, and social isolation. (Hidayat, 2017), in his study "Pandangan Hukum Pidana Islam Mengenai Kekerasan Fisik terhadap Anak," highlighted that physical violence is prohibited by both Law No. 35 of 2014 and Islamic law, except in limited cases of ta'dib permitted with strict boundaries. He noted that penalties such as imprisonment and fines under state law can be analogized with ta'zir and diyat in Islamic criminal law, though their applications differ. Meanwhile, (Wijiatmo & Supanto, 2019), through "Kebijakan Hukum Pidana dalam Memberikan Perlindungan Hukum terhadap Guru dalam Hal Kedisiplinan," showed that not all acts of teacher discipline resulting in violence are punishable, as the Criminal Code recognizes Tuchtrect as a reason to erase punishment. However, he also emphasized that teachers' protection is regulated under Law No. 14 of 2005, Law No. 20 of 2003, and PP No. 74 of 2008, reinforced by Supreme Court jurisprudence and Permendikbud No. 10 of 2017.

In addition, (Roqib, 2019) stressed the psychological impact of teacher violence but did not discuss the problem from an Islamic criminal law perspective. Masyithoh (2018) explained violence in the framework of ta'zir, but her study was more normative and lacked connections to Indonesian regulations. (Sidik, 2021) distinguished between ta'dib and violence in Islamic law, but did not integrate empirical data or contemporary cases.

These previous works demonstrate important contributions but also leave a significant gap: none have comprehensively linked the phenomenon of teacher violence with both Islamic criminal law principles and Indonesian positive law, alongside empirical evidence from national data. The research gap therefore lies in the unclear boundaries between legitimate educational discipline (ta'dib) and unlawful violence (jarimah), particularly when positioned within both sharia principles and state law. Many teachers remain uncertain whether practices such as pinching, slapping, or hitting constitute permissible discipline or criminal acts. This ambiguity creates dilemmas in the classroom, where teachers must balance authority with the legal and moral rights of children. The urgency of this study lies in providing clear guidance that synthesizes social phenomena, Islamic law, and Indonesian regulations, thereby helping educators avoid violence and policymakers strengthen child protection in schools. The novelty of this research is its integrated approach that combines theoretical Islamic law, empirical statistical realities, and the Indonesian legal framework to redefine the boundaries of discipline and violence in education.

Based on this background, the objective of this study is to analyze acts of violence by teachers against students in the perspective of Islamic criminal law, to distinguish between ta'dib that is educationally justifiable and jarimah that must be sanctioned. This study also aims to clarify the legal and ethical consequences for teachers, contribute to the development of child-friendly educational policies, and restore the dignity of the teaching profession as a role model in accordance with Islamic principles and national law.

Method

This study uses a qualitative approach with library research (Moleong, 2018) combined with a normative juridical method (Irwansyah, 2020). This study combines library research and a normative juridical method in an integrative manner. Library research serves as the data collection technique by gathering relevant literature, while the normative juridical method provides the analytical framework for interpreting the collected legal and Islamic sources. Data sources are grouped into two. First, positive law sources such as the Child Protection Law, the Criminal Code, and other official regulations. Second, Islamic law sources including fiqh, tafsir, hadith, and scholarly works on Islamic criminal law and education. The analysis employs a normative-analytical approach, namely examining the norms contained in Islamic and national legal texts and interpreting them contextually. The technique used is content analysis and normative legal analysis, which are more suitable for literature-based studies than the data reduction model usually applied in field research (Sukiati, 2016).

Results and Discussion

A review of Islamic criminal law on acts of physical violence committed by teachers against students in the educational process.

Islamic criminal law, according to its legality principle, is categorized as unwritten law, but constitutionally it continues to be recognized as a valid legal reference. This recognition is important because it provides a normative basis for assessing acts of teacher violence against students, showing that even without codification, Islamic law remains relevant in regulating educational practices and preventing harm to children. Islamic law is still often perceived as unfavorable among legal experts, bureaucrats, and political elites, so it has a great influence on public perception. In fiqh literature, criminal law is better known as *alakhâm al-jinâ'iyah*, which is the laws that regulate the speech, attitude, or deeds of mukallaf people related to various offenses or crimes (*jarimah/jinâyah*) (Maryandi, 2019). Then, a teacher is a professional educator whose purpose is to educate, teach, guide, train, train, evaluate, and evaluate early childhood education students in the formal education, primary education, and secondary education pathways. Therefore, as a teacher who is a role model, he must have a good personality, which includes responsibility, authority, independence, and discipline (Munawir, 2022).

From the perspective of Islamic criminal law, children are a mandate that must be maintained and treated with compassion. Violence can be defined as an act, behavior, or deed committed by a person or group that causes physical, mental, emotional, or social harm to others (Pramono, 2022). In the context of Islamic criminal law, any form of action that hurts or harms others, including students, can be categorized as *jinayah* if it meets certain elements such as intention (*qasd*), the tools used, and its impact on the victim. Therefore, it is important for researchers to further examine how violence committed by teachers against students even with the intention of educating can be classified as a criminal act according to Islam if it exceeds the limits of reasonableness and causes suffering.

Acts of physical violence against children, including in the educational process, are not justified if they cross the limits of reasonableness and injure the child physically and psychologically. Islam emphasizes the importance of education that is full of gentleness and wisdom (Krisna, 2024). As mentioned in the Qur'an surah An-Nahl verse 125 which reads:

ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجَادِهِمْ بِالَّتِي هِيَ أَحْسَنُ إِنَّ رَبَّكَ هُوَ أَعْلَمُ بِمَنْ ضَلَّ عَنْ سَبِيلِهِ وَهُوَ أَعْلَمُ بِالْمُهْتَدِينَ ﴿١٢٥﴾

Meaning: "Call (people) to the way of your Lord with wisdom and good lessons and refute them in a better way." (Q. S An-Nahl: 125)

This verse teaches that the approach to education should be done wisely and without violence, including in educating students who make mistakes. Islam strictly prohibits the act of hurting others, especially against children who are still in the period of growth and the search for identity. In Surah Al-Isra' verse 31 Allah says:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ إِنَّ قَتْلَهُمْ كَانَ خِطَاً كَبِيراً ﴿٣١﴾

Meaning: "And do not kill your children for fear of poverty. We are the ones who will provide for them and for you. Indeed, killing them is a great sin." (Q. S Al-Isra': 31)

This verse not only regulates the matter of physical murder, but also shows that the act of hurting a child, including physically, is a grave sin. Physical violence in education can not only damage children's bodies, but also damage their mentality, enthusiasm for learning, and their future. Teachers in Islam are seen as noble figures because of their duty to educate the next generation. However, this glory must be accompanied by a high moral and ethical responsibility. The Prophet PBUH said in a hadith narrated by Bukhari:

حَدَّثَنَا جَرِيرٌ بْنُ عَبْدِ اللَّهِ، قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " مَنْ لَا يَرْحَمُ النَّاسَ لَا يَرْحَمُهُ اللَّهُ " . قَالَ أَبُو عِيسَى هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ

Meaning: "Whoever does not fulfill compassion for others (humans), Allah SWT will not have mercy on him. (H.R Bukhari Muslim)

The hadith of the Prophet PBUH which reads "Man laa yarhamin-naasa laa yarhamhullaah" (Whoever does not love humans, then Allah will not love him) provides a strong moral foundation in reviewing acts of physical violence committed by teachers against students in the educational process. From the perspective of Islamic criminal law, acts of violence committed in the name of education but not accompanied by compassion and consideration of benefits are contrary to the basic principle of Islamic teachings, namely mercy (compassion) (Violina, 2024). This hadith emphasizes that anyone, including teachers, is obliged to prioritize gentleness and empathy in guiding children. If a teacher uses physical violence that injures or harms students without shari'a reasons and exceeds the limits of reasonableness, then he has violated the values of compassion that is at the core of Islamic education, and his actions can be categorized as reprehensible acts that should be legally and morally accountable according to Islamic criminal law. So, in educating, teachers are required to be more patient and avoid violence, because harsh and painful education has the potential to cause prolonged trauma. Therefore, from the point of view of Islamic criminal law, physical violence that is unfounded and causes injury or suffering to students is a violation of the child's human rights and must be accounted for, both morally, religiously, and legally.

According to Lailatul Masyithoh, the review of Islamic criminal law on physical violence committed by teachers against students in the educational process emphasizes the importance of distinguishing between acts that are educational in nature and violence that goes beyond the boundary. In Islamic criminal law, sanctions against perpetrators of abuse such as teachers who hurt students can be *qisās* (appropriate retribution) or *diyat* (compensation), and both can be turned into *ta'zīr* punishments if there is forgiveness from the victim. Islamic criminal law also pays attention to the elements of the intention and purpose of the perpetrator, so that if the beating is carried out in the context of education and does not injure physically or psychologically, it can be considered a form of education, not a criminal

act. This differs from Indonesia's positive criminal law which stipulates that beating, even in the context of education, constitutes a criminal offense. The distinction lies in the fact that Islamic criminal law considers the teacher's intention and the *maqāsid* (objectives of Sharia) in maintaining child welfare, whereas positive law focuses more strictly on the physical act and its consequences. This difference has practical implications: under Islamic law forgiveness from the victim can affect sanctions, while in positive law criminal responsibility generally persists regardless of forgiveness, emphasizing state protection of children (Masyithoh, 2018). Therefore, from an Islamic perspective, the approach of forgiveness by the victim is the main key in determining sanctions, while in positive law forgiveness is determined by the judge and the sanction is in the form of a fine that goes to the state treasury, not to the victim.

The review of Islamic criminal law on acts of physical violence committed by teachers against students in the educational process emphasizes the importance of a balance between strictness in education and compassion as the main principle. Education in Islam is not only aimed at transferring knowledge, but also forming noble morals, which will not be achieved through violence. Therefore, any form of physical violence that injures the body or psyche of children, especially if carried out without consideration of benefits and wisdom, is seen as a violation of sharia values. Islamic criminal law provides space for disciplinary action in education, but on the condition that it does not exceed the limit, does not cause damage, and still maintains the dignity of children as a mandate from Allah. Therefore, a teacher must always make compassion, patience, and wisdom the main foundation in education, and avoid all forms of violence that actually damage the purpose of education itself and can give rise to moral and legal responsibility.

Limits and forms of physical violence by teachers that are considered beyond the limits of reasonableness according to Islamic criminal law.

In Islamic criminal law, hitting for educational purposes is still allowed as long as it does not cause injury, is not excessive, and aims to educate. This principle, known as *ta'dib*, is intended not as punishment that humiliates or hurts, but as a corrective act to instill discipline in children. The Prophet PBUH himself gave an example that education must be carried out with gentleness, patience, and compassion (Nasrul, 2023). Thus, the boundary between education and violence is determined by the intention, the method used, and the consequences that arise. If these three elements deviate from the values of *maslahah* and lead to harm, then the act is categorized as *zulm* (persecution) and is treated as *jinayah* (criminal act) under Islamic criminal law (Suheri, 2016).

The first boundary concerns the physical and psychological consequences. Violence that causes bruises, fractures, or injuries to body organs cannot be justified by Islamic law, because Islam prohibits causing harm (*dharar*) to others, especially children. Likewise, acts that do not leave physical scars but cause psychological trauma such as deep fear, humiliation, or severe anxiety are also considered excessive. This principle is in line with Indonesia's Child Protection Law (UUPA), which explicitly prohibits corporal punishment in education and places the responsibility on teachers to create a safe and supportive learning environment. Both Islamic law and Indonesian positive law thus emphasize that education should protect children, not harm them.

The second boundary relates to *educational intention and method*. If a teacher strikes out of anger, in a repetitive and excessive manner, or in public with the intention of humiliating students, the action no longer reflects *ta'dib* but is considered *zulm*. Islam stresses that punishment must be the last resort after advice, warnings, and persuasive approaches have failed. A teacher should not hit the face, should not use dangerous tools, and should never act out of revenge or emotional impulses. Similarly, Indonesian criminal law through the Criminal Code (KUHP) and UUPA views violence committed by teachers, even with educational pretexts, as criminal if it inflicts suffering on the child. Therefore, both systems converge on the view that discipline must be proportional and oriented toward correction, not punishment for its own sake.

The third boundary is compliance with state law. Although Islamic law still gives limited space for *ta'dib*, teachers are also bound by national legal provisions as a form of *ta'ah li al-wali al-amr* (obedience to authority). Thus, even if Islam theoretically allows light corporal punishment, when state law prohibits it as in the Child Protection Law teachers are religiously and legally obliged to obey. This shows that Islamic law is not in conflict with positive law, but rather complements it in upholding the principle of protecting the dignity and safety of children.

According to (Hidayati, 2025), Islamic law only justifies light, painless, non-injurious discipline, carried out calmly and solely for educational purposes. Meanwhile, Indonesian law demands teachers to completely abandon violent methods and switch to constructive alternatives. In practice, this means that teachers should prioritize humanist and persuasive approaches, instill wise *ta'dib* through non-violent sanctions such as advice or additional tasks, and give proportionate reprimands without humiliating students (Syarifudin, 2003). These methods are in line with the *maqāṣid al-syarī'ah*, especially *hifzh al-nafs* (protection of life) and *hifzh al-'aql* (protection of intellect), which require education to build the child's character while maintaining their safety, dignity, and intellectual growth.

In conclusion, both Islamic criminal law and Indonesian positive criminal law firmly reject physical violence by teachers when it crosses the limits of reasonableness. While Islam still recognizes very limited forms of *ta'dib*, and the state requires teachers to completely avoid corporal punishment, both systems actually share the same goal: protecting children from violence and ensuring that education develops noble character without harm. Thus, *Islamic criminal law and positive criminal law in Indonesia both aim to protect children from violence, but differ in their legal mechanisms and sanctioning systems.*

Conclusion

This study concludes that Islamic criminal law firmly rejects physical violence by teachers that exceeds the limits of reasonableness, especially when it causes physical or psychological harm. Although a mild form of *ta'dib* is still tolerated, it is bound by strict conditions must not be done in anger, must not cause injury or humiliation, and must solely aim to educate. Any violation is categorized as *jinayah* and subject to sanctions. The novelty of this research lies in highlighting the meeting point between Islamic law and Indonesian positive law, where both share the same objective of protecting children from violence, though through different legal mechanisms. The practical implication is that teachers are urged to abandon corporal punishment and adopt humanist, non-violent methods in line with the values of compassion, character formation, and respect for children's dignity.

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