



Legal Protection Against Whistleblowers in the Crime of Sexual Harassment (*Maqashid al-Shari'ah* Perspective)

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ABSTRACT

The significance of whistle-blower is the reluctance to take actions that violate public ethics, which can lead to the threat of legal sanctions. The existence of whistleblowers plays a significant role in breaking the chain of sexual harassment. However, the reporting witnesses often lack adequate legal protection and appreciation. This is where the importance of the State's presence in providing legal protection to these witnesses by providing security guarantees. For this reason, it is necessary to study the analysis of legal protection for whistleblowers for criminal acts of sexual harassment in the view of *maqashid al-shari'ah*, especially in reviewing the concept of *maqashid al-shari'ah*. This study uses a qualitative approach. Meanwhile, the data collection methods used are literature, documentation, and observation. In analyzing the data, the authors use descriptive analysis with the *ushuliyah* approach, namely by using the theory of *maqashid shari'ah*. The results of this study reveal that legal protection for the reporting witness (Whistleblower) of the crime of sexual harassment in the *maqashid al-shari'ah* perspective is a type of legal protection that mainstreams the common good and rejects harm because the role of the reporting witness is considered urgent in revealing the truth of legal facts. The urgency of legal protection for witnesses

reporting sexual harassment is to protect witnesses from attempts at terror and intimidation as part of a joint effort to overcome organized crimes that tend to have a clandestine pattern. When an act of intimidation occurs at the reporter, it causes harm in the form of a threat to the survival and benefit of a person's life. Therefore, within the framework of *maqashid al-shari'ah*, the Government must enact a law on the protection of whistleblowers of sexual harassment to ensure that law enforcement efforts are guaranteed. The implication is that to realize the principle of *maqashid shari'ah*, laws, and regulations are needed as part of legal protection efforts for witnesses reporting sexual harassment to close the *madharat* loopholes arising from the reporting act. The presence of rules that protect whistleblowers from intimidation is evidence of real support for State protection in upholding the rule of law.

A. Introduction

The massiveness of sexual abuse crimes requires more transparent disclosure in cases including the roles of witnesses and victims as reporters. Based on the records of the National Commission on Violence, it shows that in 2020 there was an increase in violence against women, including sexual violence totaling 6,840 (79%), sexual harassment in the public domain at around 166 (55%), rape at 229 cases, and other sexual harassment at 181%.¹ Iman Novrianto Santoso revealed that sexual harassment of minors is often the target of both verbal and non-verbal harassment.² Putri Miftahul Jannah revealed that there has not been a severe response by the community and government, including law enforcement, related to witnesses and reporters due to physical evidence, which is sometimes difficult to prove during the examination process.³ At the same time, the United Nations Convention Against Corruption (UNCAC) through Law Number 7 of 2006, the protection of whistleblowers is now a requirement under Article 33 of UNCAC. However, the potential for persecution and

¹ KOMNAS PEREMPUAN, "No Title," in *Perempuan Dalam Himpitan Pandemi: Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak, Dan Keterbatasan Penanganan Di Tengah Covid-19* (Jakarta, n.d.), 2.

² Iman Novrianza Santoso, "Dampak Dari Pelecehan Seksual Terhadap Anak Di Bawah Umur," *Jurnal Pendidikan Kewarganegaraan* 10, no. 1 (2022): 40–58.

³ Putri Miftahul Jannah, "Pelecehan Seksual, Seksisme Dan Bystander," *Psikobuletin: Buletin Ilmiah Psikologi* 2, no. 1 (2021): 18–38, <https://doi.org/10.24014/pib.v2i1.12023>.

threats from reported perpetrators of the law has not been able to provide definitive protection for victims and witnesses.⁴

Based on previous studies on the legal protection of whistleblowers, especially sexual harassment crimes, there are several trends in previous research on whistleblowers witness protection. First, Chaerul Risal analysed that whistleblowers are essential to dismantle crime completely, so the role of whistleblowers is the primary key in revealing substantial cases.⁵ Secondly, Sibarani and Alhakim revealed that the existence of witnesses and victims of law enforcement often ignores reports related to sexual abuse cases including access to guarantees, often experiencing difficulties.⁶ Third, Juliantara et al. showed legal protection for victims, but the existence of these regulations sometimes does not take place optimally and cases of harassment are not continued by law enforcement as essential cases.⁷

The research aims to address the gap in the legal protection of whistleblowers in sexual harassment offenses. Therefore, this research proposes three problem questions, among others: Firstly, what is the urgency of evidence through a reporting witness?; Second, how is the urgency for legal protection for the reporting witness?; Third, how is the Maqashid Shari'ah review of the urgency of legal protection for the reporting witness in proving the crime of sexual harassment?. Thus, this research needs to answer the complexity of legal protection for the reporting witness in proving the crime of sexual harassment. Through legal protection from the State, the reporting witness is protected from the danger of madharat that could potentially threaten him due to reporting the criminal act of sexual harassment.

Through maximum legal protection from potential criminal charges, such as immunity, the whistleblower witness is undoubtedly expected to describe his testimony in detail to reveal the motives and acts of sexual harassment, both experienced by himself and others he knows, without having to worry about the danger of lawsuits

⁴ Ratna Juwita, "Perlindungan Hukum Terhadap Whistleblower Di Indonesia: Sinergi Antara United Nations Convention Against Corruption Dan Hukum Nasional Tentang Perlindungan Saksi Dan Korban," *Justitia Et Pax* 32, no. 1 (2016), <https://ojs.uajy.ac.id/index.php/justitiaetpax/article/view/763>.

⁵ Chaerul Risal, "Peran Whistleblower Dalam Menyingkap Kejahatan," *JURNAL AL TASYRI' IYYAH* 4, no. 1 (2022): 56–68, <https://doi.org/10.24252/jat.vi.34705>.

⁶ Meliana Br Sibarani, Meliana Br Sibarani, and Abdurrakhman Alhakim, "Tinjauan Yuridis Tindak Pidana Pelecehan Seksual Dalam Perspektif Hukum Pidana," *JUSTITIA : Jurnal Ilmu Hukum Dan Humaniora* 9, no. 2 (2022): 101–21.

⁷ Dandi Juliantara, Haris Thofly, and Nu'man Aunuh, "Analisis Viktimologis Pelecehan Seksual Verbal Di Wilayah Hukum Kota Malang (Studi Di Polresta Kota Malang)," *Indonesia Law Reform Journal* 1, no. 3 (2021): 230–50, <https://doi.org/10.22219/ilrej.v1i3.17754>.

against him.⁸ The protection of whistleblowers is crucial to realizing good governance and upholding the rule of law.⁹ However, the shortcoming of this legal system is that there is no legalization of legal protection for whistleblowers of sexual harassment from all threats. In the study of Islamic law, it is known that the legal paradigm that pivots on the withdrawal of common benefits is *maqashid shari'ah*, especially the concept of *maqashid shari'ah*. The principle of *maqashid shari'ah* prioritizes attracting all potential benefits to reject misfortune.

B. Finding and Discussion

1. The Urgency of Presenting Evidence Through A Whistleblower Witness

A whistleblower is someone who tells the public or someone in authority about suspected immoral or illegal activity occurring in a government agency, public or private organization, or company. While the whistleblower in this article is defined as someone who has seen, heard, or experienced himself as a victim of a criminal act of sexual harassment with good intention, reporting the action to the authorities. A person can be called a reporting witness if he has fulfilled two conditions. First, he uncovered the incident by making a report to the authorities. Second is his position as an 'insider,' meaning that he reveals alleged crimes in the institution where he is active or in the work area.¹⁰

The eradication of the crime of sexual harassment requires the help of "insiders" who know in detail and directly so that the value of their testimony becomes effective.¹¹ Meanwhile, sexual harassment can be interpreted as behavior characterized by unwanted and inappropriate sexual comments or sexually-oriented physical approaches in the workplace, work situation, professional, or other social circles.¹² Whereas in Gelfand's conception,¹³ sexual harassment is an unwanted sexual connotation act committed by a person or group of people against another person.

⁸ Rahman Amin, "Analisis Perlindungan Hukum Saksi Pelaku Yang Bekerjasama (Justice Collaborator) Perkara Tindak Pidana Narkotika Dalam Sistem Peradilan Pidana Di Indonesia," *Jurnal Hukum Sasana* 6, no. 2 (2020): 92.

⁹ Jacobus Gerhardus J. Nortje, "The Protection of Whistleblowers in South African Criminal Cases," *Journal of Financial Crime* 1, no. 1 (2022).

¹⁰ Abdul Haris Semendawai, *Memahami Whistle Blower* (Jakarta: Penerbit Lembaga Perlindungan Saksi dan Korban (LPSK), 2011), 1-2.

¹¹ Lilik Mulyadi, *Perlindungan Hukum Whistleblower & Justice Collaborator Dalam Upaya Penanggulangan Organized Crime*, (Bandung: Alumni, 2015).

¹² A. M. Suprihatin, S., & Azis, "Pelecehan Seksual Pada Jurnalis Perempuan Di Indonesia," *PALASTREN Jurnal Studi Gender* 13, no. 2 (n.d.): 413-34.

¹³ F. Gelfand, M.J., Fitzgerald, L.F. & Drasgow, "The Structure of Sexual Harassment: A Confirmatory Analysis Across Cultures and Settings," *Journal of Vocational Behavior* 47 (1995): 164-77.

Sexual harassment can occur anywhere, including in the public sphere, from shops, roads, or public transportation, by perpetrators who are not known to the victim (stranger sexual harassment).¹⁴ Often harassment arises in relation to physical and verbal harassment, Putri and Suardita revealed that the protection of witness-victims based on legislation has been explained explicitly, however, as an obstacle to implementing and optimizing enforcement in cases of harassment, it often occurs.¹⁵

This act of sexual harassment, especially against women, cannot be seen as a trivial problem but is an acute social problem related to human rights issues, especially those related to legal protection from all forms of torture, violence, cruelty, and neglect of human rights and dignity.¹⁶ Therefore, an effective violation reporting mechanism is needed with adequate legal protection for reporting witnesses. The presence of a whistleblower is vital to uncover crimes committed within the organization for internal improvement. However, what often happens is the opposite. It is counterproductive, meaning that the criminal acts seem to be covered up to maintain the organization's reputation.

2. The Urgency of Legal Protection for Whistleblower Witnesses

This whistleblower witness can be called a martyr because he reports allegations of criminal acts, often involving his colleagues or seniors. In addition, a person can be said to be a reporting witness if he is aware of a criminal law affair but not one of the parties participating in the crime.

Logically, the possibility of an employee reporting sexual harassment will increase only if the employee feels that the organization has a culture and work environment that value sexual harassment reporting, i.e., takes it seriously is ready to act on the report, where the employee receives support from managers and supervisors.

Whistleblowers must have courage, mental toughness, and integrity. He faces risks that might affect him due to his report, such as being intimidated, mistreated, threatened, or even dishonourably dismissed from his job. For this reason, whistleblowers who report immoral acts of sexual harassment must obtain protection to ensure their comfort and safety.

Meanwhile, the obstacles to reporting witnesses can be categorized as follows: *Firstly*, Fear of retaliation: The biggest obstacle preventing whistleblowing is the concern that the disclosure will affect retaliation. Retaliation can vary from minor

¹⁴ L.A. Fairchild, K. & Rudman, "Everyday Stranger Harassment and Women's Objectification," *Soc Just Rest* 21 (2008): 338–57.

¹⁵ Livia Jayanti Putri and I Ketut Suardita, "Tinjauan Yuridis Terhadap Perbuatan Catcalling (Pelecehan Verbal) Di Indonesia," *Kertha Wicara: Journal Ilmu Hukum* 3, no. 1 (2019): 1–18.

¹⁶ Aulia Khusnul, Ayu Nur Azizah, and Nursherlyna A, "Perlindungan Kekerasan Pelecehan Terhadap Perempuan Di Indonesia," *2020* 3, no. 1 (2020): 20–42.

harassment in the workplace to much more severe consequences. After an employee blows the whistle, increased pressure will be placed on them to cancel their statement and refrain from further disclosure. The biggest concern for whistleblowers who become employees is being fired; *Second*, Legal Liability: This legal responsibility is often used to punish whistleblowers and prevent potential whistleblowers from speaking further; *Third*, Obligations of loyalty and confidentiality: The traditional barrier in many countries is based on the obligation of loyalty to the employer. It can prevent employees from expressing personal opinions or disclosing internal information. Many employee actions require that the collected K.S. information be kept confidential; *Fourthly*, Slander: In many countries, defamation laws prevent whistleblowers from making disclosures. Whistleblowers are threatened by senior officials or other influential figures who can use the court system as an effective means of silencing resistance; *Fifth*, Cultural Barriers: Beyond legal obligations, significant cultural opposition to whistleblowers in many cultures must be addressed. Whistleblowers are negatively stigmatized as smugglers, spies, or complainants. Whistleblowers have the potential to face social sanctions for their disclosure. Or the Whistleblower is ostracized from social interaction or shunned in an organization, and puts significant pressure on him.

Therefore, protecting public and private sector whistleblowers from retaliation is an integral part of efforts to combat sexual harassment, increase accountability, and support a business environment with integrity. The position of whistleblower in the laws and regulations in Indonesia is recorded in P.P. No. 71 of 2000, which mentions its meaning, or in Law No. 13 of 2006 concerning the Witness and Victim Protection Agency. This law has been amended to become Law No. 31 of 2014, namely the Law on Amendments to Law No. 13 of 2006 concerning the Protection of Witnesses and Victims.

Legal protection is necessary to create a legal ecosystem that fosters public participation in reporting sexual harassment crimes. Notably, the legal protection given to the complainant of sexual harassment manifests as the principle of recognizing and protecting human dignity and being an integral part of the rule of law to uphold the rule of law.

Such legal protection can be pursued through criminal law instruments, considering the existence of general and specific criminal law functions. The available part of criminal law is to organize arrangements to create public order and security. Meanwhile, its position is to protect legal interests against harmful actions with

criminal sanctions, which are expected to give rise to preventive power by not committing crimes (sexual harassment).¹⁷

3. Maqashid Shari'ah View: The Urgency of Legal Protection For Whistleblower Witnesses In Proving A Crime Of Sexual Harassment

Therefore, *shar'i* (*al-shari'ah* point of view) analysis is needed to minimize the risk of retaliation against witnesses who report sexual harassment by providing legal protection through a *maqashid al-shari'ah* review. This principle eliminates all potential harm to the soul's safety to achieve benefit.

It is undeniable that every religion has a role in maintaining the continuity of human life. Likewise, this applies to Islamic teachings. The sanctity of human nature is held in the highest position in Islamic religious norms as determined by *maqashid al-shari'ah*.¹⁸

Maqashid al-shari'ah etymologically consists of two words, namely *maqashid* and *al-shari'ah*. The word *maqashid*, the plural form of *maqsid*, can be interpreted as several goals, while *al-shari'ah* is a means to a water source as a source of life.¹⁹

The principles of *maqashid al-shari'ah* can be understood as the purpose of a series of Islamic laws in the formation of the benefit and justice of society. In other words, the law was created by Allah to realize the use of His servants, not for the law itself. Every law of God has a purpose. So, if the law has no meaning, it is the same as forming useless laws ('abats), and such things are undoubtedly impossible in God's laws.

Maqashid al-shari'ah etymologically consists of two words: *maqashid* and *al-shari'ah*. The word *maqashid* comes from Arabic مقاصد the plural form of مقصد formed from the letters qaf, shad, and dal, which means purpose²⁰ and can be interpreted as goal or intention.²¹ In general, *maqashid al-shari'ah* includes five main principles (*al-dharuriyyah al-khams*); they are *hifdz al-din* (protecting religion), *hifdz al-nafs* (saving the soul), *hifdz al 'aql* (saving reason), *hifdz al-nasl* (protecting lineage), and *hifdz al-mal* (protecting property).

¹⁷ S. Supanto, "Pelecehan Seksual Sebagai Kekerasan Gender: Antisipasi Hukum Pidana," *Mimbar: Jurnal Sosial Dan Pembangunan* 20, no. 3 (2004): 288–310.

¹⁸ Moh Dahlan, "The 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 (n.d.): 1.

¹⁹ Ibn Mansur Al-Afriqi, *Lisan Al-'Arab VIII* (Beirut-Libanon: Dar ash-Shadr, n.d.) 175.

²⁰ Hans Wehr, *A Dictionary of Modern Written Arabic*, ed. Mac Donald dan Evan Ltd J. Milton Cowan (ed) (London, 1980), 767.

²¹ Ahmad Warson Munawir, *Kamus Al-Munawir Arab-Indonesia* (Surabaya: Pustaka Progresif, 1991) 1125.

These five objectives are necessary because they must be fulfilled for human interest and benefit.²² Any action that can realize these five objectives are good and, therefore, must be conducted. In contrast, all activities that damage or reduce the value of these five objectives are evil and, therefore, must be avoided. If one does not exist, human survival will be disrupted and chaos will ensue.²³

Meanwhile, *al-shari'ah* is a means to a source of water as well as a source of life.²⁴ According to Ash-Syatibi, *al-shari'ah* means all religious rules that regulate speech, behavior, and human beliefs. This definition contains a broad meaning that includes legal and doctrinal aspects identical to Islam.

Terminologically, *maqashid al-shari'ah* is also referred to with several prescribed legal meanings.²⁵ While ontologically, *maqashid al-shari'ah* is a driving force (*muharrik*) limited in *al-shari'ah*.²⁶ In various kinds of literature on Islamic law studies, the concept of *maqashid al-shari'ah* is often expressed in multiple terms, such as *maqashid tashri'* or *asrar ash-syar'iyyah*.

Explicitly, Ash-Syatibi said:²⁷

Meaning: *This al-shari'ah aims to realize the objectives of upholding the benefits, both in the domain of religion and the world.*

This principle is emphasized in the hadith, "There is neither harm nor inflicting harm" لا ضرر ولا ضرار. *Lā ḍarara wa lā ḍirāra*. "It means "a person should not harm himself or others." In other words, the law was created by Allah to realize the benefit of His servants, not for the law itself. The direction from Allah may have a purpose (*'abats*) according to Q.S. al-Anbiya (21): 107. The study of *maqashid* has become an essential discourse in Islamic legal philosophy. *Maqashid* is a methodological concept that plays a vital role in practicing law and has become a necessary basis for developing Islamic legal methodology. So fundamental is this classification that the jurists require it as one of the classifications of mujtahids. In general, *shari'ah* law correlates with legal objectives, or *maqashid al-shari'ah*.²⁸ The relevance of *maqashid* can be traced to two aspects: *maqashid al-shari'ah* and *maqashid mukallaf* (accountable person).²⁹

²² Amir Syarifuddin, *Ushul Fiqh Jilid I* (Jakarta: Prenada Media, 2008) 207-208.

²³ Abd al-Wahhab Khalaf, *Ilmu Usul Al-Fiqh* (Surabaya: al-Haramain, n.d.) 78.

²⁴ Al-Afriqi, *Lisan Al-'Arab VIII*.

²⁵ Ahmad al-Hajj Al-Kurdi, *Al-Madkhal Al-Fiqhi: Al-Qawaid Al-Kulliyah* (Damsyik: Dar al-Ma'arif, 1980) 186.

²⁶ Jasser Auda, *Al-Maqashid Untuk Pemula* (Yogyakarta: SUKA-Press, 2013), 6.

²⁷ Al-Syathibi, *Al-Muwafaqat Fi Ushul Al-Syari'ah*, Jilid I (Kairo: Mustafa Muhammad, n.d.),

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²⁸ Al-Syathibi, 322.

²⁹ Al-Syathibi, 321.

From the *maqashid al-shari'ah* aspect, there are four principles for applying Islamic law, *first*, for the benefit of the world and the hereafter. *Second*, to make it easy for humans to understand. *Third*, the form of *taklif* orders. *Fourth*, as a guide in the way of Allah SWT. If Allah wills to enforce the law, then the task of a *mukallaf* is to harmonize his will with God's order (*qashdu al-mukallaf fi al-amal muwafiqan li qashdi al-syari' fi al-tasyri'*) until a meeting point is needed between the objectives of *al-shari'ah* and the will of the *mukallaf*. Then, what are the goals of Islamic law (*maqashid al-shari'ah*) to review the urgency of whistleblower legal protection in criminal acts of sexual harassment? The following is an overview of the importance of legal protection for whistleblowers in sexual harassment cases:

a. Protection of Religion (*Hifdz Din*)

In simple terms, sexual harassment can be understood as an act of a sexual nature, both physical and non-physical, which can cause discomfort, be offended, or demean the victim.³⁰ Although anyone has the potential to become a target of harassment, it is undeniable that women and children are the most vulnerable to becoming victims of sexual harassment. People with lower power relations, such as workers to their bosses and students to teachers, also have a higher risk of experiencing sexual harassment.

Efforts to cover acts of harassment lead to coercion to tolerate acts that contain immorality. It is contrary to the teachings of Islam (*amar ma'ruf nahi munkar*). Acts of sexual harassment that occur in public spaces include actions that approach adultery. The Qur'an prohibits this act as follows:

Meaning: "*And do not approach adultery; (zina) is indeed a heinous act and a bad way.*" (Q.S. 17:32).

To stop cases of sexual harassment, witnesses are needed who disclose facts and convey factual information to law enforcement officials about the occurrence of sexual harassment in a comfortable and free from influence and pressure. Giving testimony is *fardhu 'ain* (individual duty) for the person who bears it if he is called for it, and it is feared that the truth will be lost if he is not present. It is in the words of Allah SWT:

Meaning: "*And do not hide the testimony, because whoever hides it, indeed, his heart is dirty (sinful). Allah knows what you do.*" (Q.S. 2:283).

Meanwhile, on the other hand, the presence of witnesses who reveal facts is very vulnerable to all threats. Thus, the State is obliged to provide legal protection for whistle-blower witnesses.

³⁰ N. E. Triwijati, *Pelecehan Seksual: Tinjauan Psikologis, Masyarakat, Kebudayaan Dan Politik*, 2007, 303-306.

b. Protection of the Soul (*Hifdz Nafs*)

Islam guarantees the safety of one's soul as a guarantee of the right to a noble life and human dignity. Human dignity includes freedom of thought, the right to express opinions orally and in writing, the right to choose a place to live, the right to choose a profession, and freedom of belief.³¹ Islam also taught that the human soul must be respected and appreciated. For this reason, Muslims are obliged to maintain the existence of themselves and other parties. So it is not allowed to injure, threaten, terrorize, and kill oneself and others. It is part of Islamic teachings, which teach their adherents to love and respect each other. To maintain the existence of the soul, Islam stipulates the punishment of *diyat*, *qishash*, and *kafarat* for perpetrators of persecution³² and forbids acts of persecution, bloodshed, and murder³³ as stated in the Qur'an (Q.S. 2; 72, 2:178, 2:191, 4:29, 25:68).

These sanctions prove that preserving life is a human right and a fundamental obligation for the State to provide optimal protection for its citizens from anything that has the potential to threaten them. The life safety guarantees include the safety of life, limbs, freedom from all fears and threats, and human dignity. In this sexual harassment case, the position of the *hifdzu nafs* encourages the reporting witness to protect himself from intimidation, terror, or even attempted murder. Attempts to kill the reporting witness can occur because of the perpetrator's disfavour if the act of sexual harassment is known to the public. In addition, legal protection for those reporting acts of sexual harassment is also a realization of the practice of Article 28 letter g of the 1945 Constitution, which states everyone has the right to self-protection, including physical and psychological protection. It has the right to feel safe and free from the threat of fear.

Cases of sexual harassment require guidance and protection to ensure their physical, mental, and social growth and development. Legal protection is a mandatory service that the Government provides a sense of security to every citizen. Article 28I paragraph (4) of the 1945 Constitution reads: "The protection, promotion, enforcement, and fulfilment of human rights are the responsibility of the state, especially the government." In addition, the protection of the soul in terms of obtaining safeguards for personal, family, and property security and being free from the threat of testimony that will be, is being, or has been given is stated in Article 5, Paragraph (1) letter of the

³¹ Muhammad Abu Zahra, *Ushul Fiqh* (Jakarta: Pustaka Firdaus, 2010) 425.

³² Miftahul Arifin, *Ushul Fiqh: Kaidah-Kaidah Penerapan Hukum Islam* (Surabaya: Citra Media, 1997), 250.

³³ Yazid Bin Abdul Qadir Jawwaz, *Syarah Aqidah Ahlussunnah Wal Jama'ah* (Depok: PT. Niaga Swadaya, 2016), 126.

Witness Protection Act. Efforts to keep the victim's identity secret are also in Article 5, Paragraph (1), letter i of the Law on the Protection of Witnesses and Victims.

c. Protection of Intellect (*Hifdz Aql*)

Intellectualization is needed as a form of gratitude from humans to Allah SWT. Preserving reason allows a person to place the texts correctly and then carry out Islamic law proportionally. In cases of sexual harassment, maintaining the optimal truth of the facts of legal events is necessary, primarily through evidence from whistle-blower witnesses. It is because the whistle-blower witness has the potential to receive physical intimidation and psychological pressure, which ultimately interferes with the reasoning function of the witness who discloses the facts. Moreover, due to the stress caused by the perpetrator's pressure, the witness may have difficulty expressing the actual chronological facts.

d. Protection of Property (*Hifdz Mal*)

The benefits obtained from preserving the property are the responsibility of every Muslim. Property maintenance can help humans in this world and hereafter. Witnesses who report acts of sexual harassment may experience actions related to the disruption of efforts to maintain the property. The reporting witness can potentially be threatened with dismissal, the risk of transferring duties, administrative activities, or difficulties in promotion, resulting in the loss or reduction of the wealth obtained. Of course, this cannot be tolerated because the presence of witnesses who reveal facts is significant in showing sexual harassment behaviour.

e. Protection of Lineage (*Hifdz Nasl*)

To maintain the continuity of the Tree of Life, humans must produce offspring and take care of their families. In cases of sexual harassment, the reporting witness can be disturbed regarding *hifdz nasl*. The family of the reporting witness may experience terror or intimidation from the perpetrator, thereby endangering the offspring of the witness. Threats to the descendants of witnesses are difficult to avoid. Protecting offspring from all forms of violence, threats, and damage is urgent, and it is necessary to guarantee legal protection for the families of victims of sexual harassment.

Providing criminal legal protection for witnesses reporting sexual harassment is crucial because an effective reporting scheme must stop this deviant behaviour. So far, the juridical handling of cases of sexual harassment has encountered obstacles regarding the formulation of criminal acts or offences in articles that have not been firm, evidence in the procedural law, and its nature as a complaint offence. Also, reporting the whistle-blower witness will positively impact the perpetrator's family, descendants, and the formation of future generations that are free from egregious acts of sexual harassment.

f. Protection of Honour (*Hifdz 'Irdh*)

This concept has been a central theme in Arab culture since the pre-Islamic period. The principle of this *maqashid* is derived from the hadith of the Prophet Muhammad:

Meaning: *"From Ibn 'Umar Radhiyallahu anhum, the Messenger of Allah Sallallahu 'alaihi wa sallam said: I was ordered to fight people until they testify that there is no God worthy of worship except Allah and that Muhammad is the messenger of Allah, establish prayers, and pay zakat. If they do that, their blood and property will be protected from me, except by the right of Islam and their reckoning to Allah Ta'ala."*

The rise of sexual harassment cases certainly causes trauma and psychological impacts for victims in the long term. The effect of sexual harassment on the victim's psyche does not stop there. In some cases, sexual harassment can also lead to Post-Traumatic Stress Disorder (PTSD).

This depraved act, of course, must be stopped through reporting efforts by presenting evidence, including the testimony of witnesses who reveal facts. Meanwhile, until today, witnesses who reveal facts are always overshadowed by the threat of the perpetrators reporting back to witnesses on accusations of defamation and so on. Therefore, regarding *maqashid al-shari'ah*, the Government must provide legal protection to whistle-blower witnesses so that cases of sexual harassment can be detected and exposed.

Of course, in practice, this preventive protection employs the presence of the Witness and Victim Protection Agency to fulfill the rights of the reporting witness following the authority assigned by the State. However, at the actual level, the bureaucratic system for submitting applications for the protection of reporting witnesses takes time in the assessment process; for this reason, it is necessary to simplify the application process until it is realized more efficiently.

C. Conclusion

Sexual harassment of women has a negative impact. If this continues, then the problem is not solved. As part of the legal issue, sexual harassment against women must first be put into the perspective of law enforcement. For this reason, to realise citizens' safety from sexual harassment, the State must be present to protect constitutional rights and ensure legal protection for citizens who take the initiative to report sexual harassment as whistleblower witnesses. From the perspective of the paradigm of Islamic law, as a realization of the *maqashid al-shari'ah* principle, legislation is needed as part of the legal protection efforts for witnesses reporting sexual harassment to close the gaps in harm caused by such reporting actions. The presence

of regulations that protect whistleblowers from acts of intimidation is evidence of real support for the protection provided by the State to uphold the rule of law.

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