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**Distorted The Facts An Act Of Sexual Harassment  
The Perspective Of The Ulamas' Interpretation  
(A New Approach And Direction In Understanding Facts)**

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**ABSTRACT**

*There are so many cases of sexual harassment that have occurred until now, but not a few people have distorted the facts about sexual harassment. Therefore, because this sexual harassment often occurs to women, then what if it is actually a distortion of the facts? That there is no actual sexual harassment! In this paper, we will see how the facts of sexual harassment are distorted from the perspective of the scholars of interpretation, how to reveal actual cases of sexual harassment, and provide a new approach and direction in understanding a fact. This research uses library research, which is sourced from the Koran and a number of books of interpretation. The approach in this study is an interpretive science approach and there are also a number of correspondent, coherent, pragmatism, and legal certainty theories. So it was found that the twisting of the facts of sexual harassment is in the Koran, and other findings in revealing the twisting of the facts of sexual harassment, the scholars of interpretation explain the ways of disclosure such as denying and straightening the actual story, the witness of sexual harassment can be a child, the number of witnesses which is only 1 person, witness statements that are rational (reasonable), quality of evidence, evidence of clues, inanimate objects can be witnesses, presumptions, punishments for sexual harassment cases, women are better at lying, the passions of experienced women are very difficult to control, Sexual harassment is shameful behavior and tends to be covered up, the ability to access the law is not the same between ordinary people and people in power*

## Kata Kunci

*Pelecehan Seksual, Ulama Tafsir, Pemutar Balik Fakta*

## Abstrak

*Kasus pelecehan seksual sangat banyak sekali terjadi sampai saat sekarang ini, tidak sedikit orang-orang melakukan pemutar balikan fakta pelecehan seksual. Oleh karena itu dikarenakan pelecehan seksual ini sering terjadi kepada perempuan, lalu bagaimana jika hal itu sebenarnya ialah pemutar balikan fakta? Bahwa tidak ada pelecehan seksual sebenarnya ! Dalam tulisan ini akan dilihat bagaimana pemutar balikan fakta pelecehan seksual perspektif ulama-ulama tafsir, dan bagaimana pengungkapan kasus pelecehan seksual yang sebenarnya serta memberikan sebuah pendekatan dan arah baru dalam memahami sebuah fakta. Penelitian ini menggunakan library research (penelitian kepustakaan), yaitu ialah bersumber dari al Quran dan sejumlah kitab-kitab tafsir. Pendekatan dalam penelitian ini ialah pendekatan ilmu tafsir dan juga ada sejumlah teori koresponden, koheren, pragmatisme dan kepastian hukum. Maka ditemukan bahwasannya pemutar balikan fakta pelecehan seksual ada di dalam al Quran, dan temuan lainnya dalam mengungkap pemutar balikan fakta pelecehan seksual maka ulama tafsir menjelaskan cara-cara pengungkapannya seperti membantah dan meluruskan cerita yang sebenarnya, saksi pelecehan seksual bisa seorang anak kecil, jumlah saksi yang hanya 1 orang saja, keterangan saksi yang rasional (masuk akal), kualitas alat bukti, bukti petunjuk, benda mati bisa menjadi saksi, adanya praduga, hukuman kasus pelecehan seksual, perempuan lebih pintar berbohong, nafsu perempuan yang sudah berpengalaman sangat sulit dikendalikan, pelecehan seksual merupakan perilaku yang memalukan dan cenderung ditutupi, adanya kemampuan mengakses hukum yang tidak sama antara orang biasa dengan orang yang berkuasa*

## Introduction

Nowadays, there are so many cases of distorting the facts, something that is guilty and does not want to be accused or someone who is indeed innocent but defends himself so that it is proven that there was no wrongdoing. As the debate conducted by Prof. P.F Strawson and J.L Austin quoted by Geoffrey Marshall on facts explain "Facts are also not propositions or statements or

assertions. neither, it could be argued, are simply what statements, when true, state."<sup>1</sup> That a fact is not a proposition, statement, or affirmation. Therefore, a fact cannot be said to be true or false with a statement.

Therefore, it is very important to place what is meant by a fact, in this case, the author quotes the World English Dictionary

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<sup>1</sup> Geoffrey Marshall, Provisional Concepts and Definitions of Fact, *JSTOR (Journal Storage)*, Vol. 18, No. 5, (1999), h. 447.

as also quoted by Saleh Abdullah Alabdulkareem that facts are:<sup>2</sup> (1) something known to be true: something that can be shown to be true, to exist, or to have occurred (2) the truth or reality of something: the truth or actual existence of something, as opposed to the supposition of something or a belief about something based on fact (3) a piece of information: a piece of information, e.g., a statistic or a statement of truth (a piece of information, for example, a statistic or a statement of truth), (4) in law, the actual course of events: the circumstances of an event or state of affairs, rather than an interpretation of its significance. Matters of fact are issues for a jury whereas matters of law are issues for the court, (5) in law, something based on evidence: is something that is based on or concerned with the evidence presented in a legal case. The author also cites the definition of sexual violence from the ILO (International Labor Organization) which is "Sexual harassment is a serious manifestation of sex discrimination and a violation of human rights".<sup>3</sup>

As the author has explained about the facts, there are several things at this time that are related to the twisting of facts, and what the author is doing is twisting the facts about sexual harassment. It means that people who twist the facts are twisting the truth; against the assumption of something or belief in something based on facts as well; or also reverse events. In this case, what the author wants to study is the twisting of facts in cases of sexual harassment (Sexual harassment). One of the cases of twisting the facts of sexual harassment that is currently hot in Indonesia is the case of alleged sexual harassment in the murder of Brigadier Yosua Hutabarat.<sup>4</sup> That is

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<sup>2</sup> Saleh Abdullah Alabdulkareem, Science, Fact, and Absolute Truth: Critical Views of Learning, *Procedia Social and Behavioral Sciences*, 93 (2013), h. 2102.

<sup>3</sup> ILO (International Labor Organization), *Sexual Harassment in The World of Works, Gender, Equality and Diversity and ILOAIDS Branch*, Conditions of Work and Equality Department International Labor Office, h. 1.

<sup>4</sup> See: Kumparan. Com, *Mystery of Alleged Sexual Harassment of Brigadier Joshua Ke Putri in Magelang*,

the case why the murder of Yosua Hutabarat by Ferdy Sambo as the mastermind of the murder was due to the alleged sexual harassment of Yosua Hutabarat against the wife of Inspector General Ferdy Sambo Putri Candrawati. Another alleged case of sexual harassment is the case of sexual harassment at the KRL (Electric Train) on August 26, 2022, in which case the victim felt uncomfortable after the scuffles occurred and there was a bit of a commotion. According to the victim, a man standing in front of him was playing with his genitals while rubbing his feet against the victim's feet. Meanwhile, according to the perpetrator, it was an unintentional incident due to a large number of train passengers.<sup>5</sup> In another case of twisting the facts of sexual harassment, namely the case of Iqlima Kim with Hotman Paris Hutapea, which was alleged that Hotman Paris had sexually harassed Iqlima Kim, this was denied by Hotman Paris Hutapea.<sup>6</sup> In 2021 there was also a case of alleged sexual harassment at the University of Riau, according to the victim that he was harassed during the thesis guidance process, namely with several actions such as his hand suddenly being held, the perpetrator's body approaching, kissing the cheek and forehead, but the perpetrator denied any harassment incident. the sexual.<sup>7</sup>

The author also found some data that in 2021 LPSK (Institution for the Protection of Witnesses and Victims) received a spike in cases of sexual violence in which there was

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Published: September 2, 2022; Tribunnews. Com, *Family Suspecting Brigadier Joshua's Abuse Case Against Putri Candrawati was twisted*, Published: 3 September 2022; Compass. Com, *The Narrative of Sexual Harassment Reappears in the Case of Brigadier J, Irma Hutabarat: Unreasonable, Displacement of Issues, How Are Liars Believed*, Published: September 4, 2022.

<sup>5</sup> See: CNN Indonesia, *Case of Alleged Harassment on the KRL Ends Peacefully at the Tebet Police*, Published: August 26, 2022.

<sup>6</sup> See: detikhot.com, *5 Alleged Sexual Harassment of Hotman Paris at Iqlima Kim*, Published: April 30, 2022.

<sup>7</sup> See: BBC News Indonesia, *Case of Alleged Sexual Harassment at the University of Riau*, Published: 08 November 2021

harassment in 2021 compared to 2020, from 245 (in 2020) to 486 (in 2021).<sup>8</sup> The author also found international data related to sexual harassment cases, as released by WAN IFRA Woman in News that the study from November 2020 to September 2021 surveyed more than 2,000 individuals and included interviews with 85 senior executives that an average of 41% of people working As a woman, she has experienced verbal and/or physical sexual harassment at work, while men have not escaped with an average of 12% experiencing verbal and/or physical harassment. And on average, 30% of people who work as journalists in the world experience verbal and/or physical harassment.<sup>9</sup> And according to WHO data (World Health Organization) that globally about 1 in 3 (30%) women worldwide have experienced physical and/or sexual violence with intimate partners or non-partner sexual violence in their lives. Most of this violence is intimate partner violence.<sup>10</sup> The author also finds data as written by Fredrik Bondestam, et al. "One in every three women in the world is exposed to physical and/or sexual violence from a partner or sexual violence from another person"<sup>11</sup> women in the world are exposed to physical and/or sexual violence from partners or sexual violence from others. Therefore, there are many cases of sexual harassment or sexual violence that occur whether the victim is a woman or a victim is a man.

On the other hand, as the author has described some of the findings of the alleged sexual harassment case above, it is clear that there are allegations that are indeed facts about cases of sexual harassment, and there is

<sup>8</sup> See: *Information from the Deputy Chairperson of the Witness and Victim Protection Agency (LPSK) Edwin Partogi* at Kompas. Com on August 04, 2022.

<sup>9</sup> WAN IFRA Woman in News, *Global Study Analiysing Sexual Harassment in Newsroom*, Webist: Wan Irfa.org.

<sup>10</sup> See: WHO (World Health Organization), *Violence Against Woman*, Published: 9 March 2021.

<sup>11</sup> Fredrik Bondestam dan Maja Lundqvist, *Sexual Harassment in Higher Education*, *Eropean Journal of Higher Education*, Vol. 10, No. 4 (2020), p .397.

also a twisting of the facts of sexual harassment to defend himself. Therefore, the writer is interested in seeing the twisting of the facts of sexual harassment according to the scholars of interpretation. Given that the distortion of the facts of sexual harassment is also explained in the Qur'an Surah Yusuf. Therefore, the approach and understanding of the scholars in understanding the verses of sexual harassment will provide a new approach and direction in understanding a case in order to reveal the real facts.

As far as the author's search, there has been no scientific writing related to what the author focuses on, namely "Twisting the Facts of Sexual Harassment from the Perspective of Tafsir Scholars (A New Approach and Direction in Understanding Facts)," Many writings revolve around legal protection.<sup>12</sup> in the case of sexual harassment, sexual harassment of women in the workplace,<sup>13</sup> sexual harassment of minors,<sup>14</sup> sexual harassment in an institution, interpretation of the verses of sexual violence,<sup>15</sup> but this is different from the research activities that the author did both from the verses used and Also the perspective and the location of the focus, in the writing of the interpretation of the verses on sexual violence, it refers to "violence", while the author's focus is on the matter of "harassing" and the verses used are also different. The differences between sexual violence and sexual harassment are: (1) sexual violence is any form of behavior that leads (targets) to sexuality or sexual organs

<sup>12</sup> Rosania Paradias and Eko Sopyonyono, *Legal Protection Against Victims of Sexual Harassment*, *Indonesian Journal of Legal Development*, Vol. 4, No. 1, (2022), p. 61.72.

<sup>13</sup> Fiona Dwiyanti, *Sexual Harassment of Women in the Workplace (Case Study of the DKI Jakarta Provincial Satpol PP Office)*, *Indonesian Journal of Criminology*, Vol. 10, No. 1, (2014), p. 29-36.

<sup>14</sup> Novrianza and Iman Santoso, *The Impact of Sexual Harassment on Minors*, *Journal of Citizenship Education Undiksha*, Vol. 10, No. 2 (2022), p. 53-64.

<sup>15</sup> Annisa Muflaha, *Interpretation of Verses of Sexual Violence Perspective of the Indonesian Women Ulemas Congress*, Thesis of the Study Program of Al-Quran and Tafsir Faculty of Ushuluddin Institute of Al-Quran Science (IIQ) Jakarta, 2017.

without consent. Meanwhile, sexual harassment has not yet led to this. (2) sexual violence is not limited by gender and relationship with the victim. Sexual violence can occur by men or women to anyone. Meanwhile, sexual harassment itself is an act that has sexual nuances, whether it is non-physical contact or physical contact itself. (3) there are at least 15 forms of sexual violence including sexual acts and acts to obtain sexual coercion, sexual exploitation, sexual and verbal abuse, forced pregnancy and abortion, forced contraception, sexual torture, and sexual control that discriminates against women. Meanwhile, sexual harassment includes obscene or seductive behavior, sexual harassment, sexual coercion, intentional physical touch with nuances of sexuality without the victim's consent, and invitations to have sex or give rewards.<sup>16</sup> In other words, the person who commits sexual harassment may not have committed sexual violence, while the person who has committed sexual violence has indirectly been harassed.

Therefore, the focus of the author's writing is different from previous writings. And the purpose of this paper is to find out how the facts of sexual harassment are actually distorted, even though so far there have been many twists and turns in certain cases, but in this case, the author only focuses on sexual harassment, on the other hand, the author sees that all of several scholars of interpretation in understanding the verses relating to the twisting of the facts of sexual harassment. Another goal is to provide a new approach and direction in understanding an actual legal fact. This research is very important to do, to provide a new paradigm for disclosing cases of twisting the facts of sexual harassment which are currently rampant, besides that the importance of disclosing the facts of sexual harassment is currently very difficult to disclose and should not stand alone.

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<sup>16</sup> Rahim Abdullah Al Fakhri, *Social Law of Sexuality (A Theory and Its Implementation)* (Bandung: CV Buana Graha, 2016), Cet. 3, p. 56.

In this study, the author uses the library research method, which is research sourced from several books or various kinds of literature.<sup>17</sup> In this case, the author will focus and see how the scholars of interpretation and their books of interpretation, namely Imam Ath-Tabari, Ibn Kathir, Buya Hamka, and also Quraish Shihab in explaining the verses of the Koran about the twisting of facts on sexual harassment, namely as in Surah Yusuf. Apart from that, the author also uses an interpretive science approach, which is a science that understands interpretation, interpretation, meanings contained in the verses of the Koran, and so on. The author also uses the theory of truth, namely;<sup>18</sup> (1) Correspondence Theory of Truth is a theory that holds that statements are true if they correspond to facts or statements contained in or the object to which the statement is addressed, (2) Coherence Theory of Truth, that truth is the conformity between a statement with other statements that have been previously known, accepted, and acknowledged as true, (3) The Pragmatic Theory of Truth, which is a theory that holds that the meaning of an idea is limited by references to scientific, personal or social consequences. In other words, whether or not a proposition or theory is true or not depends on the usefulness or not of a proposition for humans for their lives, (4) Legal Certainty Theory.

### **Definition of Twist (Falsify) The Facts Of Sexual Harassment**

The word "player" is taken from the word "rotate" which has the basic meaning of dizziness. From the root of the word, the word "rotating" appears which has the meaning: (a) spinning; revolves like a wheel

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<sup>17</sup> Mustika Zed, *Library Research Methods* (Jakarta: Indonesian Obor Library Foundation, 2014), p. 6.

<sup>18</sup> Ahmad Atabik, *Theory of Truth from the Philosophy of Science Perspective: A Framework for Understanding the Construction of Religious Knowledge*, *Fikrah*, Vol. 2, No. 1 (2014), p. 258-262.

turning on its axis, (b) changing direction; Turning direction, turning direction is also like changing principles (opinions, stances, views, policies and so on, (c) circulating; going around, (d) thinking continuously. The basic word "turn" also produces the word "turn" which means to move something so that it spins (turns around), goes around, does not go directly to the intended place, and diverts attention or views.<sup>19</sup> The word "turner" itself is a form of the doer of the action, this is like a person who does help is called a "helper," ' The person who beats is called the "beater," and the person who sews is called the "tailor." Therefore, the "turner" means the person who changes the cycle, which in this case the author means the person who shifts the issue or people who lie about the truth in the case of twisting the facts in the case of sexual harassment.

Facts (facts) and opinions (opinions) of course have differences, this is sometimes we are a little vague about the facts presented, how is something called a fact? and what is called an opinion (opinion)? The fact itself is "A fact is a statement that can be tested by experimentation, observation, or research and shown to be true or untrue." While opinion is "An opinion is a person's belief, feeling, or judgment about something. It is a subjective or value judgment, and it cannot be proven."<sup>20</sup> That fact is a statement that can be tested with several things such as experiments, observations, or research, and is carried out to find out whether something is true or not. While opinion is a belief, feeling, or someone's assessment of something, whether it is a subjective assessment, the value of judgment and cannot be proven. If it has been proven, then it becomes a fact.

Fact itself is an event, condition, or event that can be proven, a fact is also a statement of something that is indeed a real situation and is in accordance with what is

called reality.<sup>21</sup> Therefore, a fact has an identity that we can know how it is indeed a fact, in other words the characteristics of a fact are: (a) can be proven true (can be proven true), (b) accurate data (data accuracy, such as place, time and date), (c) show events that have occurred, (d) have trusted sources (have reliable sources), (e) supporting evidence, ( f) reality (reality), (g) information from actual events (information from actual events).<sup>22</sup> In understanding a fact, there are several parameters that can be used to find the actual truth as the author has explained.

Sexual harassment is an act or concern that has a sexual nature that is unwanted and unwanted and results in disturbing the recipient of the harassment. Various things can be considered sexual harassment such as behavior that has a sexual connotation or a sexually charged statement, requests to perform sexual acts that are favored by a perpetrator, humiliation through statements of sexual orientation or sexuality, coercion to perform sexual acts, sexual payments, and others. etc.<sup>23</sup> Meanwhile, according to Collins who was also quoted by Choo Earn Yie and Nicole Tham Seow Ping that sexual harassment "can be best described as unsolicited acts (which include physical, verbal and non-verbal acts), which can be described as unsolicited actions, both physical, verbal and non-verbal actions."<sup>24</sup>

Whereas in Arabic the word "harassment" can be taken from the word " المضايقة لها ربيع " this is like a sentence " جداً، ابتن لم " which means harassment is

<sup>21</sup> Margaretha Lubis, *Social Facts* (Bandung: CV Rencaka Books, 2015), Cet. 3, p. 16

<sup>22</sup> Ergetha F. Wilson, *Facts and Punishments and Social Interactions* (Budapest Hungarian: Roof Research, 2015), h. 78.

<sup>23</sup> Endah Triwijati, Sexual Harassment: A Psychological Review, *Cultural and Political Society*, Vol. 20, No. 4, (2007), p. 303.

<sup>24</sup> Choo Eern Yie and Nicole Tham Seow Ping, Sexsual Harassment in Workplace: A Literature Review, *The International Journal of Humanities & Social Studies*, Vol. 9, No. 8, (2021), p. 29.

<sup>19</sup> KBBI (Big Indonesian Dictionary) Online.

<sup>20</sup> Mdc. Edu, *Fact and Opinion*, Reading – Fact and Opinion Rev August 2015.

strictly prohibited, you don't read books Your guide. In Arabic sexual harassment can be taken from the word "التحرش الجنسي" this is like a sentence الآن شخص ضحية which means that now someone is a victim of sexual harassment.<sup>25</sup>

As the author has explained above, what is meant by twisting the facts of sexual harassment is a situation where there is a change in the story or situation by people who feel harassed even though the actual incident or story is not what was revealed. The twisting of facts is also making an opinion and not an actual fact that the opinion that is built by someone feels that they have been harassed and also harmed, this is done in order to defend themselves from all forms of imposition of punishment and also so that other people (the public) feel confident about what is being said. occur.

### Sexual Harassment Fact Verification

Sexual harassment is a crime, therefore in determining whether a person is guilty or not in a criminal case, the existence of evidence cannot be separated from the function of proof in a criminal act. For the public prosecutor, the existence of evidence is an attempt to convince the judge based on the available evidence. Meanwhile, for the defendant or the defendant's attorney, the evidence itself has the opposite function from before, namely to prove with the available evidence so that the defendant is released, released, or has his sentence reduced. As well as for judges, this evidence will be based on evidence from both the prosecution and the defendant/legal advisor, the basis for making decisions is made.<sup>26</sup>

In Indonesia itself, in carrying out criminal evidence, there are several valid pieces of evidence, namely:<sup>27</sup>

<sup>25</sup> Almany Offline Arabic Dictionary, *Sexual Harassment*.

<sup>26</sup> Didik Endro Purwoleksono, *Procedural Law* (Surabaya: Airlangga University Press, 2015), p. 113.

<sup>27</sup> KUHAP (Book of the Criminal Procedure Code), Article 184.

#### a) Witness testimony

In this case, for witness statements to become strong evidence, several conditions must be met, namely (1) objective conditions, no family relationship, capable of being responsible; at least 15 years old, or have been married and there is no crazy element. (2) subjective conditions, in this case, that a witness must explain what he saw, what he heard, and what he experienced. And it is based on arguments and the basis of what he saw, heard, and experienced. (3) the formal requirement is that where a witness testifies in court, pronounced under oath, the unus testis nullus testis is not known, with the exception that one witness can be a witness if it is supported by other things, such as the defendant's confession.<sup>28</sup>

A witness also must attend court hearings, if he does not attend then he can be threatened with articles 224 and 522 of the Criminal Code.<sup>29</sup> On the other hand, some are not obliged to be witnesses, namely, there is a family relationship unless the public prosecutor and the defendant agree, because of work, namely the existence of a position that is required to keep secrets, such as the work of being a notary, a doctor and also a priest. And those who are not obliged to be witnesses are a child who is not yet 15 years old and also a person who has a memory disease (crazy).

#### b) Expert Description

It should be noted together that with regard to expert testimony, there are a number of articles, such as 120, 132, 133, 179, 186 of the Criminal Procedure Code

<sup>28</sup> Didik Endro Purwoleksono...h. 113.

<sup>29</sup> Article 224 of the Criminal Code (Book of the Criminal Code) explains that anyone who is called to be a witness, expert, or interpreter according to the law deliberately does not fulfill obligations under the law that must be fulfilled, and is threatened (1) in a criminal case, with a maximum of 9 months, (2) in other cases, a maximum of six months. Meanwhile, Article 522 of the Criminal Code explains that whoever violates the right does not come after being summoned according to the law to be a witness, expert, or interpreter is sentenced to a maximum fine of Rp. 900.

(KUHAP). The expert's own statement is "information given by someone who has special expertise about what is needed to make light of a criminal case for the purpose of examination."<sup>30</sup> And an expert will continue to be sworn in or promise his statement in the trial that occurs. Of course, there is also a difference between an ordinary witness and an expert, based on the statement that an ordinary witness is an ordinary witness in terms of what he sees, hears and also what he feels/experiences, while the expert testimony is based on the knowledge he has. In terms of the sound of the oath, this also has a difference, in which an ordinary witness "will give true information and nothing other than the truth," while the sound of an oath in an expert's statement "will provide the best and true information according to the knowledge in the law. field of expertise." And between ordinary witnesses and expert testimony has different legal consequences, for ordinary witnesses it can result in false statements, while in expert testimony there are no legal consequences.<sup>31</sup>

c) Letter

The letter itself has several categories or types, namely: (1) official reports and letters made by public officials or those in authority, or made in front of them, which contain information regarding events, or circumstances that were heard, seen, or experienced by themselves. accompanied by unequivocal reasons for the statement itself. Examples of proof of this letter are a notarial deed, minutes of letter examination, and so on, (2) a certificate from an expert based on his expertise, (3) a letter made based on the provisions of the law, or a letter made by an authorized person/official. Examples:

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<sup>30</sup> See: (the Criminal Procedure Code) Article 1 Number 28.

<sup>31</sup> Nixon Wulur, Expert Statements and Their Influence on Judges' Decisions, *Lex Crimen*, Vol. 6, No. 2, 2017, p. 153-159.

evidence of examination procedures, court decisions, (4) letters related to evidence.<sup>32</sup>

d) Instruction

Instructional evidence is an act, event, or condition that, due to their conformity, between one another and the criminal act itself, indicates that a crime has occurred and who is the perpetrator of the crime. The evidence for these instructions can only be obtained from the testimony of witnesses, letters, and also the testimony of the defendant. Many things have been revealed from the appropriateness of these clues. These clues have played a large role in resolving criminal cases.

e) Defendant's statement

In this case, of course, what is referred to as the defendant's statement is what a defendant stated in a trial regarding what he had done and also what he experienced. Meanwhile, if the defendant's testimony outside the trial can also help find evidence at a trial. In this case, the defendant's statement also cannot stand alone to prove someone is guilty or not, in other words that someone who is guilty must also be supported by other evidence.

f) Elektronik

he had done and also what he experienced. Meanwhile, the defendant's testimony outside the trial can also help find evidence at a trial. In this case, the defendant's statement also cannot stand alone to prove someone is guilty or not, in other words, that someone guilty must also be supported by other evidence.<sup>33</sup>

In this case, of course, what is referred to as the defendant's statement is what a defendant stated in a trial regarding what

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<sup>32</sup> Geraldo Angelo Luntungan, Letter as Evidence According to the Criminal Procedure Code, *Lex Crimen*, Vol. 7, No. 5, 2018, p. 59.

<sup>33</sup> Law No.19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions.



Therefore, in proving sexual harassment, it cannot be denied from the evidence that the author has described above. That someone who sexually harasses another person if you want to prove it, you must have at least two pieces of evidence. Sometimes accusations of someone having sexually harassed cannot be proven, what is there is a war between opinions so that someone who is basically not sexually harassed is rumored to have done so for certain interests. Not a few today we see in various media people who twist the facts of sexual harassment cases, as the author has explained in the background section of the problem.

On the other hand as well as the evidence that the author has explained above, that there is a law that specifically deals with sexual violence. More or less of course this has to do with sexual harassment. There is a principle that reads "lex specialis derogat legi generali", which is that if an act is included in the general punishment and is also regulated in a special punishment, then the special one will be imposed.<sup>34</sup> The principle of lex specialis also means that higher laws/legal norms negate the validity of lower laws/legal norms.<sup>35</sup> Therefore there is Law no. 12 of 2022 concerning the Crime of Sexual Violence which stands alone specifically.

In proving the facts of sexual harassment cases, what is often done is with a visum et repertum, which is a report letter or certificate from an expert who has examined something, for example on a corpse, against alleged cases of sexual

harassment and so on. Article 187 letter c of the Criminal Procedure Code. On the other hand, as regulated in Article 133 of the Criminal Procedure Code, it is explained that if an investigator for the interest of the judiciary handles a victim, whether injured, poisoned or dead, which is suspected to be a criminal act, he is authorized to submit expert testimony. In proving the case of sexual harassment, it is also stated that the statement of a victim is quite guilty if it is accompanied by one other piece of evidence, this is as contained in Law no. 12 of 2022 concerning the Crime of Sexual Violence.<sup>36</sup>

While the evidence as contained in Law no. 12 of 2022 concerning the Crime of Sexual Violence, namely: (1) evidence as contained in the criminal procedural law, in this case, the author has explained as discussed above, (2) electronic information tools/electronic documents, (3) evidence used to commit a criminal act or as a result of a criminal act of sexual violence and or objects or goods related to a crime, (4) results of the examination of witnesses and or victims, (5) documentary evidence in the form of clinical psychological certificate and or a psychiatrist; psychiatrist specialist; medical records; forensic examination results; bank account check results.<sup>37</sup>

### Evidence About Sexual Harassment and Twist (Falsify) The Facts in the Quran

In the Koran itself, there are verses in the Koran that talk about sexual harassment, this is like Surah Yusuf:

وَرَأَوْدَتْهُ النَّيِّ فِي بَيْتِهَا عَنْ نَفْسِهِ وَعَلَّقَتْ الْأَبْوَابَ  
وَقَالَتْ هَيْبَتَ لَكَ قَالَ مَعَاذَ اللَّهِ إِنَّهُ رَبِّي أَحْسَنَ مَثْوَايَ  
إِنَّهُ لَا يَفْلِحُ الظَّالِمُونَ {23} وَلَقَدْ هَمَّتْ بِهِ وَهَمَّ بِهَا

<sup>34</sup> See: *Definition of Lex Specialis* in: Kusnu Goesniadhie, *Harmonization of Laws in the Perspective of Legislation* (JP Books, 2006); Hince Ikara Putra Panjaitan, *Press Law is Lex Specialis* (Suratakbar, 2006); Anton Suryadi Siagian, *Narcotics Crime (Lex Specialis Derogat Legi Generalis)*, *Nala Keadilan Journal*, Vol. 1, No. 2, 2021, p. 1-15

<sup>35</sup> Nurfaqih Irfani, *Principles of Lex Superior, Lex Specialis, and Lex Posterior: Meaning, Problems, and Their Use in Legal Reasoning and Argumentation*, *Indonesian Legislation Journal*, Vol. 16, No. 3, 2020, p. 311.

<sup>36</sup> Law No. 12 of 2022 concerning the Crime of Sexual Violence.

<sup>37</sup> Law No. 12 of 2022, Article 24 concerning Evidence

لَوْلَا أَنْ رَأَى بُرْهَانَ رَبِّهِ كَذَلِكَ لِنَصْرَفَ عَنْهُ السُّوءَ  
وَالْفَحْشَاءَ إِنَّهُ مِنْ عِبَادِنَا الْمُخْلَصِينَ {24}

Meaning: The woman (Zulaikha) whom Yusuf lived in his house tempted Yusuf to submit himself (to him) and he closed the doors, saying: "Come here". Yusuf said: "I take refuge in Allah, indeed my master has treated me well". Verily, the wrongdoers will not prosper. Indeed, the woman had intended (to do that) with Yusuf, and Joseph also intended (to do) with the woman if he had not seen the sign (of) his Lord. Thus, We may turn away from him evil and abominations. Verily, Joseph was one of our chosen servants. (Surah Yusuf: 23-24).

وَاسْتَبَقَا الْبَابَ وَقَدَّتْ قَمِيصَهُ مِنْ دُبُرٍ وَأَلْفَيَا سَيِّدَهَا لَدَى  
الْبَابِ قَالَتْ مَا جَزَاءُ مَنْ أَرَادَ بِأَهْلِكَ سُوءًا إِلَّا أَنْ  
يُسْجَنَ أَوْ عَذَابٌ أَلِيمٌ {25} قَالَ هِيَ رَاوَدْتَنِي عَنْ  
نَفْسِي ۖ وَشَهِدَ شَاهِدٌ مِنْ أَهْلِهَا إِنْ كَانَ قَمِيصُهُ قُدَّ مِنْ  
فُؤَيْبٍ فَصَدَقَتْ وَهُوَ مِنَ الْكَاذِبِينَ {26} وَإِنْ كَانَ  
قَمِيصُهُ قُدَّ مِنْ دُبُرٍ فَكَذَبَتْ وَهُوَ مِنَ الصَّادِقِينَ {27}  
فَلَمَّا رَأَى قَمِيصَهُ قُدَّ مِنْ دُبُرٍ قَالَ إِنَّهُ مِنْ كَيْدِكُنَّ ۖ إِنَّ  
كَيْدَكُمْ عَظِيمٌ {28}

Meaning: "And both of them were competing towards the door and the woman pulled Yusuf's shirt from behind until it was torn and both found the woman's husband at the door. The woman said: what is the revenge for those who intend to misbehave with your wife, other than being imprisoned or punished with a painful punishment, Prophet Yusuf said: he tempted me to submit myself to him, and a witness from the woman's family gave his testimony. If the shirt is torn in the face, then the woman is right and Yusuf is one of the liars. And if the shirt is torn at the back, then the woman is the one who is lying, and Joseph is among the truthful. So when the woman's husband saw Yusuf's shirt was torn behind him, he said: "Indeed, this incident is among your deceit, verily, your deceit is great." (Surah Yusuf: 25-28).

وَقَالَ نِسْوَةٌ فِي الْمَدِينَةِ امْرَأَتُ الْعَزِيزِ تُرَاوِدُ فَتَاهَا عَنْ  
نَفْسِهِ ۖ قَدْ شَغَفَهَا حُبًّا إِنَّا لَنَرَاهَا فِي ضَلَالٍ مُبِينٍ  
{30} فَلَمَّا سَمِعَتْ بِمَكْرِهِنَّ أَرْسَلَتْ إِلَيْهِنَّ وَأَعْتَدَتْ  
لَهُنَّ مُتَّكًا وَآتَتْ كُلَّ وَاحِدَةٍ مِّنْهُنَّ سِكِّينًا وَقَالَتِ اخْرُجْ  
عَلَيْهِنَّ ۖ فَلَمَّا رَأَيْنَهُ أَكْبَرْنَهُ وَقَطَّعْنَ أَيْدِيَهُنَّ وَقُلْنَ حَاشَ لِلَّهِ  
مَا هَذَا بَشَرًا إِنْ هَذَا إِلَّا مَلَكٌ كَرِيمٌ {31} قَالَتْ فَذَلِكُنَّ  
الَّذِي لُمْتُنَّنِي فِيهِ ۖ وَلَقَدْ رَاوَدْتُهُ عَنْ نَفْسِهِ فَاسْتَعْصَمَ ۖ  
وَلَئِنْ لَّمْ يَفْعَلْ مَا أَمَرُهُ لَيُسْجَنَنَّ وَلَيَكُونًا مِنَ  
الصَّاغِرِينَ {32} قَالَ رَبِّ السِّجْنُ أَحَبُّ إِلَيَّ مِمَّا  
يَدْعُونَنِي إِلَيْهِ ۖ وَإِلَّا تَصْرِفْ عَنِّي كَيْدَهُنَّ أَصْبُ إِلَيْهِنَّ  
وَأَكُنَّ مِنَ الْجَاهِلِينَ {33}

Meaning: "And the women in the city said: "Al Aziz's wife tempts his bachelor to submit himself (to him) his love for his bachelor is very deep. Indeed, we see him in clear error". So when the woman (Zulaikha) heard their slurs, she invited the women and provided them with a seat, and gave each of them a knife (to cut the meal), then she said (to Yusuf): "Come out (show yourself) to them". So when the women saw her, they marvelled at her (beauty), and they cut her (finger) hands and said: "Allah is perfect, this is not a human being. Surely this is nothing but a noble angel." The woman said: "That is the person you reproached me for because (attracted) to him, and indeed I had tempted him to submit himself (to me) but he refused. And if he did not obey what I ordered him, surely he would be imprisoned and he will be among the lowly people. Yusuf said: "O my Lord, I like prison more than fulfilling their invitation to me. And if You do not keep away from me their deceit, of course, I will tend to (fulfil their wishes) and of course, I am of the stupid people" (Surah Yusuf: 30-33).

ذَلِكَ لِيَعْلَمَ أَنِّي لَمْ أَخُنْهُ بِالْغَيْبِ وَأَنَّ اللَّهَ لَا يَهْدِي كَيْدَ  
الْخَائِبِينَ {52} وَمَا أُبْرِيءُ نَفْسِي ۖ إِنَّ النَّفْسَ لَأَمَّارَةٌ  
بِالسُّوءِ إِلَّا مَا رَحِمَ رَبِّي ۚ إِنَّ رَبِّي غَفُورٌ رَّحِيمٌ {53}

Meaning: " (Yusuf said): "That is so that he (Al Aziz) knows that I have not betrayed him

behind his back and that Allah is not pleased with the deceit of those who betray. And I do not absolve myself (from guilt). ), because verily lust always commands evil, except for the lust which my Lord has mercy on. Verily, my Lord is Forgiving, Most Merciful."(Surah Yusuf: 52-53).

### **The Opinion of Tafsir Scholars Against Perverting Facts of Sexual Harassment (A New Approaches and Directions in Understanding Facts)**

In Surah Yusuf verse 25, it is explained that there is an explanation about the case of distorting the facts of sexual harassment, namely "qolat ma jazaa-u man aroda bi expertka su'an illa 'an yusjana au 'azabun alim (the woman said: is retaliation against people who intends to misbehave with your wife, other than being imprisoned or punished with a painful punishment). This was said by Zulaikha (Al Aziz's wife) when she met Al Aziz at the door.<sup>38</sup> As explained in verse 23 "*warowadathu allati hua fi baytiha 'an nafsih wa khollaqoti al abwaba waqolat hayta laka*" (and the woman who Yusuf lived at home tempted Yusuf to bow himself and the woman closed the door and said come here ), that there was no sexual harassment committed by the Prophet Yusuf to the woman, there was instead the woman who wanted to harass Prophet Yusuf with evidence of the call "*hayta laka*."

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<sup>38</sup> According to Quraish Shihab, Prophet Yusuf managed to open the doors one by one, and when the last door was opened, he met Al Aziz. Quraish Shihab explains that there are several doors based on the singular form of the sentence "babun" (doors) in verse 25 while in verse 23 it is plural "abwabun" (doors). While the word "alfaya" verse 25 means a meeting in special circumstances, without effort, generally a sudden encounter. And the word "yusjana" in Surah Yusuf verse 25 means detention for a while and not for a long period of time. Because if for a long time the editor used "min masjunina" as the group of Pharaohs who are imprisoned as in surah ash-Ssyu'ara verse 29. See: Muhammad Quraish Shihab, *Tafsir al Misbah (Message, Impression and Harmony) al Quran*, Volume 6 (Jakarta: Lentera Hati, 2002), Cet. I, p. 433-434

Indeed, in the sentence "*hayta laka*" there are 2 domirs which indicate that the person called is a man (Prophet Yusuf), this is like the letter "*ta*" which is dhomir muttasil (continuous pronoun) in the sentence "*hayta*," and domir "*ka*" are dhomir munfasil (separate pronoun) in the word "*laka*," where both dhomir (pronoun) refers to the interlocutor who indicates male. That means the person who is being called or who will be tempted is a man while the person who is tempting or calling is a woman. The thing that is evidence that the one who seduces and calls it is a woman as the use of the word "*allaty*" and domir (pronoun) which indicates a woman in the sentence "*fi baytiha*," the word "*allaty*" itself is the *isim mausul* (the word "*allaty*" itself). continued whose form is muannas (female), while in the sentence "*fi baytiha*" the word "*ha*" is a form of *domir* (substitute) which indicates muannas (female). So it is clear that the accusation of a man (Prophet Yusuf) in that verse who is suspected of committing sexual harassment is refuted.

According to Buya Hamka's explanation, why Al Aziz's wife had a feeling of wanting to seduce Prophet Yusuf was because Al Aziz himself had lost his lust, there was innin (impotent), the possibility of Al Aziz's wife not feeling the satisfaction of having sex with her husband, Al Aziz rarely being at home, and good looks, agility, the body shape of a mighty and big man, still young and starting to bloom and the face of the Prophet Yusuf.<sup>39</sup>

Imam Ath-Tabari explains in his commentary on the Surah Yusuf verse 23 which tells that Al Aziz's wife, Zulaikha, seduced Yusuf, so that Joseph was willing to sleep with him. This happened when the Prophet Yusuf had reached adulthood, and Zulaikha loved him so he said the invitation to come here (*hayta laka*). Zulaikha also closed the doors (*wa khollaqoti al abwaba*) when she wanted to seduce and also tease Prophet Yusuf, while they were both in one

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<sup>39</sup> Buya Hamka, *Tafsir Al Azhar*, Volume 5 (National Library of PTE LTD Singapore), p.3625

place. Imam Ath-Tabari also explained that the invitation to come here (*hayta laka*) the majority of Kuffah experts and Basrah experts who are good at reading the fathah letters "ha" and the letters "ta" in the word "hayta" is not just come here, but also come closer. Imam Ath-Tabari also quoted the opinion of Ibn Abbas who is an expert in interpreting the meaning of the phrase "hayta laka" which means "come here," and it is the language of the Qibthi people and also the language of the people of Hawran which is located in the Hijaz area which means "Come here," and is included in the word *as-siryaniyah* which means an order to the summoned, that the call was to invite Prophet Yusuf to follow his wishes and draw closer to the person who called him. On the other hand, Imam Ath-Tabari also explained that a group of Salaf scholars read "*hi'tu laka*" and not "*hayta laka*" which means "I have prepared myself for you or I have prepared for you." "*hi'tu laka*" by giving the letter "ha" and dhommah the letter "ta" and the letter "yes" in the word "hayta" changed to "hamzah" is taken from the words "*hi'tu liamri uhayyihu hayatan*."<sup>40</sup> Thus the sentence "hayta laka" according to the author means an invitation or seduction with Zulaikha's condition already prepared.

The invitation and seduction were rejected by Prophet Yusuf, it is still explained in Surah Yusuf verse 23, "*qola ma'azallahi innahu robbi ahsana maswaaya*" (Yusuf said: I take refuge in Allah, indeed my master has treated Prophet Yusuf well). Imam Ibn Kathir explained that the word "robbi" means "*sayyid al kabir*" (to refer to the master / great person).<sup>41</sup> Imam Ath-Tabari explained that the meaning of "my lord" is that the husband of the wife who seduced him was Al Aziz who was the master of the Prophet

Yusuf, and the purpose of his master having done good (*ahsana maswaaya*) was that Prophet Yusuf was given a good position, glorified and trusted the Prophet Yusuf, therefore Prophet Yusuf would not betray him. Another meaning of "*ahsana maswaaya*" is to trust the Prophet Yusuf over his house and wife and not to commit treason related to his master's wife.<sup>42</sup> In Surah Yusuf verse 25 in the sentence "*wa alfaya sayyidaha*" (meeting his master), Quraish Shihab also explains that the word "*sayyidaha*" is not used by Arabs in the sense of husband. The use of this sentence is to indicate that at that time marriages in Egypt were generally carried out based on the husband's ownership of the wife. That is also the opinion of Ibn Asyur and Al Biqai that the word has a single meaning and is only shown to the husband of the woman (Al Aziz).<sup>43</sup>

Buya Hamka explained about Surah Yusuf verse 23 that it is very difficult for experienced women to control themselves when they see young people who do not understand anything. If someone has been seduced, while the other person is not at home, of course, one of the seductions is to open the parts of him that can cause lust. Because there was also no response from Yusuf, Zulaikha said "*hayta laka*."<sup>44</sup> Zulaikha herself wanted Prophet Yusuf and teased him, she began to praise Prophet Yusuf's good looks and stated that he missed him. This is Imam Ath-Tabari's interpretation of the 24th verse, "*walaqod hammat bihi, wahamma biha*." Zulaikha said, "O Yusuf, how beautiful your hair is and how beautiful your face is. Zulaikha was fascinated by Yusuf and Yusuf was fascinated by him (*hammat bihi wahamma biha*), but Yusuf remembered

<sup>40</sup> Muhammad Bin Jarir Bin Yazid Bin Katsir Bin Ghalib, *Jami'ul Bayan 'An Takwil al Quran Tafsir Ath-Tabari*, Volume 4 (Beirut: Muassasah Ar-Risalah, 1994), p. 342-343, See also: *Imam Ath-Tabari, Tafsir Ath-Tabari*, Tahqiq Abdurraziq Bakri, et al (Azam Library), Volume 14, p. 543-556.

<sup>41</sup> Imam Ibn Kathir, *Tafsir al Quran Al Azhim*, Volume 4 (Beirut: Dar al Kutub Al Ilmiah, 1419 H), p. 325.

<sup>42</sup> Muhammad Bin Jarir Bin Yazid Bin Katsir Bin Ghalib, *Jami'ul Bayan 'An Takwil al Quran Tafsir Ath-Tabari*, Volume 4..h. 342-343, See also: Imam Ath-Tabari, *Tafsir Ath-Tabari*, Tahqiq Abdurraziq Bakri, et al...p. 558-559.

<sup>43</sup> Muhammad Quraish Shihab, *Tafsir al Misbah (Message, Impression and Harmony of the Koran)*, Volume 6...h. 434

<sup>44</sup> Buya Hamka, *Tafsir Al Azhar*, Volume 5 (National Library of PTE LTD Singapore), p. 3626

Ya'kub (Joseph's father) so he realized and wanted to get out but Al Aziz's wife caught Yusuf and held the end of the Prophet Yusuf's robe from behind so that the wife of Al Aziz (Zulaikha) tore it apart from him. Imam Ath-Tabari also explained that at that time Zulaikha was already in turmoil.<sup>45</sup>

Imam Ath-Tabari explained that the meaning of "*hammat bihi wahamma biha*" is that the phrase "*hamma biha*" which the Prophet Yusuf also wanted Zulaikha in Arabic is a person's self-talk about something that has not happened, but Imam Ath-Tabari also explained further on "*hammat bihi wahamma biha*" as in the 24th verse that the interpretation is that the Prophet Yusuf had removed his trousers and sat in front of the woman like a circumciser sitting and sitting between Zulaikha's two legs with Zulaikha's position on her back, that is as explained by Ibn Abbas. The scholars debate about such conditions while Yusuf is a prophet, so the scholars explain that it is a test given to the prophets and Allah tested him in that regard so that Prophet Yusuf feared Allah. Meanwhile, other scholars say that when Allah tests the Prophets with mistakes, his goal is to inform them of his favor to them by forgiving them and not punishing them in the hereafter. Imam Ath-Tabari also explained further that some other scholars had different opinions with the salaf (previous scholars) that Zulaikha had intended to commit adultery, and Prophet Yusuf had intended to hit or grip Zulaikha in a bad way because Zulaikha wanted to commit adultery. bad deeds with Prophet Yusuf. If only there was no sign that Allah gave so that it prevented Prophet Yusuf from harming Zulaikha with abominations and not because Prophet Yusuf was tempted by Zulaikha.<sup>46</sup>

<sup>45</sup> Muhammad Bin Jarir Bin Yazid Bin Katsir Bin Ghalib, *Jami'ul Bayan 'An Takwil al Quran Tafsir Ath-Tabari*, Volume 4...h. 342-343, See also: Imam Ath-Tabari, *Tafsir Ath-Tabari*, Tahqiq Abdurraziq Bakri, et al...p. 561-562.

<sup>46</sup> Muhammad Bin Jarir Bin Yazid Bin Katsir Bin Ghalib, *Jami'ul Bayan 'An Takwil al Quran Tafsir Ath-Tabari*, Volume 4...h. 343-345, See also: Imam Ath-

Imam Ibn Kathir also agrees with Imam Ath-Tabari that the meaning of "*hammat bihi wahamma biha*" is "*dorbuha*" (desire to hit Zulaikha) and also "*tamanaha zaujat*" (want to be a wife someday).<sup>47</sup> Buya Hamka interpreted with great desire. Buya Hamka also in his book of commentaries quotes Imam Al Baghwai's opinion that he means "*khoterotu hadith nafsi*" (the passion of words of passion) and also quotes Ibn Hazm al Andalusi's opinion that means wanting to hit, as well as Sayyid Ridha.<sup>48</sup>

The twisting of the facts of sexual harassment began to appear as described in Surah Yusuf verse 25, with the sound of the verse "*wastabaqo albaba*" (Yusuf and Zulaikha raced towards the door), that after Prophet Yusuf received a sign from his god, Prophet Yusuf ran to get out, but Zulaikha also chased the Prophet Yusuf and pulled the shirt of the Prophet Yusuf from behind until it was torn. However, Zulaikha's husband (Al Aziz) was already at the door when they both ran towards the door, this is as explained in Surah Yusuf verse 25 "*wa alfaya sayyidaha lada al bab*" Imam Ath-Tabari explained that the word "*sayyidaha*" is the husband of Zulaikha (Al Aziz), and the phrase "*lada al bab*" is at the door.<sup>49</sup> If we illustrate, it means that the person who wants to enter the room of Zulaikha's husband's Al Aziz position.

Buya Hamka explained about Surah Yusuf verse 25 that Al Aziz's wife was very clever because she was quick and intelligent and could clean herself. However, Al Aziz as a person who has a high position and also already knows various kinds of human secrets is not easy to be influenced by his wife's statement. Al Aziz was quite calm in dealing with these problems and did not say

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Tabari, *Tafsir Ath-Tabari*, Tahqiq Abdurraziq Bakri, et al...p. 569-570

<sup>47</sup> Imam Ibn Kathir, *Tafsir al Quran Al Azhim*, Volume 4...h. 327

<sup>48</sup> Buya Hamka, *Tafsir Al Azhar*, Volume 5...h. 3627

<sup>49</sup> Muhammad Bin Jarir Bin Yazid Bin Katsir Bin Ghalib, *Jami'ul Bayan 'An Takwil al Quran Tafsir Ath-Tabari*, Volume 4...h. 343-345, See also: Imam Ath-Tabari, *Tafsir Ath-Tabari*, Tahqiq Abdurraziq Bakri, et al...p. 593.

strong or harsh words, so he listened to various complaints or statements from his wife and also listened to Yusuf's defence statement.<sup>50</sup>

When Zulaikha saw her husband at the door then Zulaikha said "*qolat ma jazaa'u man aroda biahlika su'a*" (what is the reply to someone who intends to be obscene/obscene to your wife), she (Zulaikha) said: Yusuf teased her, will but Zulaikha refused, so Zulaikha tore his robe. Yusuf also said that it was Zulaikha who teased him, and Yusuf ran away from him, then Zulaikha caught him and tore Joseph's shirt. Imam Ibn Kathir explained that one of the rewards that Zulaikha hoped for in her defence was being detained or "yudrobu dorban syadi and mauji'an" (hit with a hard and painful blow).<sup>51</sup>

Meanwhile, Imam Ath-Tabari further explained that his uncle Zulaikha's son (one of the witnesses from Zulaikha's family) said the evidence in the matter was on the robe, if the robe was torn on the front it meant Zulaikha was right, and if the robe of Prophet Yusuf was torn at the back then Zulaikha lied and Yusuf was right. It turned out that the tear was in the back.<sup>52</sup> Buya Hamka explained that the Koran did not explain in detail where and where one of the witnesses came from.<sup>53</sup>

In Imam Ath-Tabari's commentary, there is also Ibn Humaid's opinion that Salamah told Mrs Humaid from Ibn Ishaq that Zulaikha had done an act of reversing reality because it should have been the one who said: "the proper recompense for this act was Prophet Yusuf."<sup>54</sup> From this explanation it

can be concluded that if there are allegations of sexual harassment then what must be done is:

### 1. Denying and Correcting Allegations of Sexual Harassment

In this case, it is to provide an argument against the actual incident, the accused party must be able to provide reasonable information so that it becomes a salvific statement. In other words, the alleged information (the alleged perpetrator of sexual harassment) must be related to the facts to be a correspondence, namely the statements are true if they correspond to the facts or statements contained in or the object being addressed. This statement will later be following the evidence, in other words, the statement or statement does have a corresponding and harmonious and scientific relationship.

The statement refutes by straightening this statement as did the Prophet Yusuf in verse 26, "*qola hiya rowadatni 'an nafsi*" (Zulaikha tempted me to submit myself to him). Imam Ibn Kathir explained that it was Zulaikha who chased and also pulled until Prophet Yusuf's clothes were torn.<sup>55</sup> Quraish Shihab explained that his shirt was torn apart, it was like cutting it lengthwise.<sup>56</sup> Imam Ath-Tabari explained that the Prophet Yusuf would not have done that if the woman had not accused him in front of Zulaikha's husband (the master of the Prophet Yusuf). Thus, because of accusations that Prophet Yusuf committed sexual harassment, Prophet Yusuf denied and also straightened out the verse "*qola hiya rowadatni 'an nafsi*." Meanwhile, Quraish Shihab explained that when Yusuf was accused, then Prophet Yusuf

<sup>50</sup> Buya Hamka, *Tafsir Al Azhar*, Volume 5 (National Library of PTE LTD Singapore), p. 3623.

<sup>51</sup> Imam Ibn Kathir, *Tafsir al Quran Al Azhim*, Volume 4...h. 328

<sup>52</sup> Muhammad Bin Jarir Bin Yazid Bin Katsir Bin Ghalib, *Jami'ul Bayan 'An Takwil al Quran Tafsir Ath-Tabari*, Volume 4...h. 345-346, See also: Imam Ath-Tabari, *Tafsir Ath-Tabari*, Tahqiq Abdurraziq Bakri, et al...p. 593

<sup>53</sup> Buya Hamka, *Tafsir Al Azhar*, Volume 5...p. 3632.

<sup>54</sup> Muhammad Bin Jarir Bin Yazid Bin Katsir Bin Ghalib, *Jami'ul Bayan 'An Takwil al Quran Tafsir Ath-Tabari*, Volume 4... p. 345-346, See also: Imam Ath-

Tabari, *Tafsir Ath-Tabari*, Tahqiq Abdurraziq Bakri, et al...p. 594.

<sup>55</sup> Imam Ibn Kathir, *Tafsir al Quran Al Azhim*, Volume 4...p. 328.

<sup>56</sup> Muhammad Quraish Shihab, *Tafsir al Misbah (Message, Impression and Harmony of the Koran)*, Volume 6...p. 433.

defended himself, and Prophet Yusuf said casually without shouting. Prophet Yusuf didn't mean bad to the woman, instead, Yusuf respected him, but instead, the woman meant bad to Prophet Yusuf by teasing him.<sup>57</sup> This is the importance of refuting and also straightening the story according to the truth.

The word "*qola*" itself means to say, speak, have an opinion, speak, explain, argue,<sup>58</sup> therefore the existence of "*qola*" in the verse "*qola hiya rowadatni 'an nafsi*" is the rebuttal and the correcting of the actual story that by the Prophet Yusuf. In other words, at that time, Allah told the Prophet Yusuf to do an explanation to defend himself from the accusation of sexual harassment that was happening to him. Of course, also straightening the story (arguing) must be in an appropriate way (Surah An-Nahl: 125 and Al Ankabut: 46).<sup>59</sup>

In the case of the alleged sexual harassment, Buya Hamka in his book of commentary explains that at the time of the alleged sexual harassment incident, the age of the Prophet Yusuf was 33 years old, as in the opinion of Ibn Abbas, Mujahid and Qotadah, according to another narration from Ibn Abbas, which is less than 33 years. Some say 30 years, Adh-Dhahak argues that at that time Yusuf was 20 years old. Al Hasan argues 40 years and Said Bin Jubair says 18 years. From the various opinions on the maturity of the Prophet Yusuf above, it is in modern psychology and biology that the age of the Prophet Yusuf at that time was between the ages of 18-20 years.<sup>60</sup> Therefore, at that age,

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<sup>57</sup> Muhammad Quraish Shihab, *Tafsir al Misbah (Message, Impression and Harmony of the Koran)*, Volume 6...p. 435

<sup>58</sup> Mahmud Yunus, *Indonesian Arabic Dictionary* (Bandung: PT Mahmud Yunus wa Dzurriyah, 2010), Cet. 3, p. 145.

<sup>59</sup> "Call people to the way of your Lord with wisdom and good lessons and refute them in a good way" (Surah An-Nahl: 125). "And do not argue with the people of the Book except in the best way except with the wrongdoers among them" (Surah Al Ankabut: 46).

<sup>60</sup> Buya Hamka, *Tafsir Al Azhar*, Volume 5...p. 3625

Prophet Yusuf would have been able to distinguish what was right and what was wrong, so that the process of refuting and rectifying cases of alleged sexual harassment could be justified (ahliyatul ada'/legally competent).

## 2. Evidence Quality

Surah Yusuf verses 26-27 which reads "*ingkana qomisuhu qudda min qubulin fasodhaqot wahua minal kاذzibin. Wa ingkana qomisuhu qudda min duburin fakadzabat wahua minas shodiqin*" (if the shirt is torn in the face, then the woman is right, and Yusuf is a liar. And if the shirt is torn at the back, then the woman is lying). Imam Ibn Kathir explains that in the word "*fasodaqot*" (then the woman is right), namely in her speech if the tear in front is due to an urge to the chest of Yusuf (*fi sudurihi*).<sup>61</sup> However, it turned out to be torn in the back. This, according to the author, is of very decent and quality evidence and will help what is called proof.

Something is interesting after the logic of this proof began to make sense into Al Aziz's mind (correspondence and coherence), then in Surah Yusuf verse 28, "*Falamma ro'a qomisahu qudda min duburin*" (so when Al Aziz saw Yusuf's shirt was torn behind ), meaning that after Al Aziz confirmed that Yusuf was the truth and his wife's alleged lies, then Al Aziz said "*qola innahu min kaydi kunna*" (actually that incident was part of his wife's deception). Imam Ibn Kathir explained that the lies and also the defamation of the good name/honour of the Prophet Yusuf were the result of his wife's deception.<sup>62</sup> Even Al Aziz himself ordered Yusuf to keep the incident a secret, "*yusufa a'ridh 'an hadza*" (O Yusuf, turn away from this), Imam Ibn Kathir explained that Yusuf should forgive and also

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<sup>61</sup> Imam Ibn Kathir, *Tafsir al Quran Al Azhim*, Volume 4...p. 328.

<sup>62</sup> Imam Ibn Kathir, *Tafsir al Quran Al Azhim*, Volume 4...p. 329.

"*la tazkirah liahadin*" (don't tell to others).<sup>63</sup> Buya Hamka explained that when Al Aziz said that it was his wife's trick, it was seen that he had a lot of experience dealing with women. Thus, Buya Hamka considered that clever tricks were commonplace for women. Furthermore, Buya Hamka explained that women are the weak type, but if he has devised a strategy, his tactics are big and great, or even amazing, so that a man can shake his head. Men can be amazed because for women there is only a place to get out of trouble even though she is in the wrong.<sup>64</sup>

This verse is a lesson for us about the importance of the quality of evidence, this is the principle in criminal law "*in criminalibus probationes debent esse luce clariores*" (in criminal cases the evidence must be brighter than the light).<sup>65</sup> In the sense that in criminal cases there should be no ambiguity and there must be clear legal certainty. In the context of a criminal case, the judge is better off not punishing a guilty person, rather than punishing an innocent person. The philosophical reason is that if the judge does not punish the guilty person then he will not escape the torment in the hereafter, but if he punishes an innocent person then he bears two sins, namely his sin and the sin of an innocent person.<sup>66</sup>

### 3. Witness Statement

Regarding the testimony of the witness in the case of alleged sexual harassment, this is as in Surah Yusuf verse 26 "*wa syahida syahidum min ahliha*" (and a witness from the woman's family gave his testimony), in

<sup>63</sup> Imam Ibn Kathir, *Tafsir al Quran Al Azhim*, Volume 4...p. 329.

<sup>64</sup> Buya Hamka, *Tafsir Al Azhar*, Volume 5...p. 3634.

<sup>65</sup> Expert Witness Edi Hiearij Professor of Criminal Law at Gadjah Mada University as an Expert Witness in a Presidential Election Dispute at the 2019 Constitutional Court.

<sup>66</sup> Expert Witness Edi Hiearij Professor of Criminal Law at Gadjah Mada University as an Expert Witness in a Presidential Election Dispute at the 2019 Constitutional Court.

this case, there was a difference of opinion regarding the witness as explained by Imam Ath-Tabari, namely:<sup>67</sup>

- a) The witness at that time was a small child<sup>68</sup> in a swing. that four people in the swing could talk even though they were still babies: son Masyitah bint Pharaoh, Witness Prophet Yusuf, a friend of Juraij, and Isa bin Maryam.
- b) The witness at that time was a man with a beard. The bearded person is someone who thinks that someone close to Al Aziz, a Judge, a wise man,<sup>69</sup> an adult male, the son of Zulaikha's uncle, a judge from the Zulaikha family, is only limited to people who give opinions and he gives instructions with his opinion.
- c) The witness is the judge who decides.
- d) The witness is the torn robe itself, that is the witness who testifies.
- e) The witness is a matter of Allah and not from among humans.

From this it is clear that there is a difference with the Indonesian Criminal Procedure Code regarding a person who is a witness in a case of proving sexual harassment, in the Indonesian Criminal Procedure Code a witness may not have family relations unless the public prosecutor and the defendant agree, the statement is

<sup>67</sup> Muhammad Bin Jarir Bin Yazid Bin Katsir Bin Ghalib, *Jami'ul Bayan 'An Takwil al Quran Tafsir Ath-Tabari*, Volume 4...h. 347, See also: Imam Ath-Tabari, *Tafsir Ath-Tabari*, Tahqiq Abdurraziq Bakri, et al...p. 597-607.

<sup>68</sup> Imam Ibn Kathir, *Tafsir al Quran Al Azhim*, Volume 4...h. 329. Whereas according to Imam Ibn Kathir regarding witnesses there was a difference of opinion between the scholars, namely "*sobiyyan*" (children) or adults.

<sup>69</sup> Quraish Shihab also argues that the witnesses there are ikhtilaf (differences of opinion), some say their uncle's son is still in the cradle or someone who is old is wise. See: Muhammad Quraish Shihab, *Tafsir al Misbah (Messages, Impressions and Harmony of the Koran)*, Volume 6 ...p. 435.



binding on the judge, whereas if the public prosecutor and If the defendant does not agree, then his statement is not binding on the judge. Minimum age 15 years or have been married and are not insane (this is an objective requirement), besides that, one of the formal requirements is that one of them is not known *unus testis nullus testis* (if the witness statement stands alone without the support of other evidence, then it has no proof power), and absolutely cannot be a witness to a child who is not yet 15 years old and has lost his memory.<sup>70</sup>

While in Law no. 12 of 2022 concerning the Crime of Sexual Violence, the evidence as referred to in the criminal procedure law and includes evidence of witness testimony, namely the results of an examination of witnesses and/or victims at the investigation stage through electronic recording. In addition, Law no. 12 of 2022 also states that the testimony of witnesses and/or victims are sufficient to prove that the defendant is guilty if accompanied by 1 other piece of evidence. The defendant's family can also testify as witnesses under oath/pledge without the defendant's consent. And also if witness testimony can only be obtained from the victim, witness testimony that is not carried out under oath/pledge, or witness testimony from another person, the strength of the evidence can be supported by information obtained from people who can provide information related to criminal cases. sexual violence even though he did not hear, did not see and did not experience it himself. Witnesses whose statements stand alone but are related to one another in such a way that they can prove the existence of an incident. And an expert who makes documentary evidence or an expert who supports proof of a crime.<sup>71</sup>

If it is seen that about witnesses, in fact, the Indonesian Criminal Procedure Code and Law no. 12 of 2022 concerning the Crime of Sexual Violence that witnesses cannot

stand alone (one person) but there must be other evidence that supports or testimony from other people related to cases of sexual violence. Of course, the category of witnesses made by Indonesian legal experts has a benefit value.

Meanwhile, as explained by Imam Ath-Tabari that witnesses in cases of sexual harassment can stand alone without having to be assisted by other evidence. If we conclude that it is possible to witness a small child, even though the child who is a witness can already speak (a special child), of course in this case if we contextualize that a small child can become a witness as long as he also has an understanding even though his age has not yet reached 15 years. Or if we relate this case to Law no. 12 of 2022, where a witness cannot stand alone without other evidence or witness statements from other people, the position of this child witness can be included in the realm of supporting the main witness. Apart from that, Imam Ath-Tabari also explained that witnesses in cases of sexual harassment may be categorized as (qualified) as adults, namely: (a) such as having a beard, (b) people who are close with those suspected of being harassed such as the closest person to the victim's husband, (c) a judge himself who was a witness in the area, (d) a wise and mature man, (e) nephew of the abused (f) a judge from the abused family, (g) only limited to people who have opinions and provide instructions. Of course, some of the witnesses that Imam Ath-Tabari put forward in interpreting the verse could be the main witnesses or supporting witnesses in proving cases of sexual harassment, this is because, like witnesses, evidence of tearing in Prophet Yusuf's shirt and witnesses of Allah's affairs are very difficult to present because related to legal certainty itself.

Something is interesting in the author's opinion, namely that regarding the interpretation of Surah Yusuf verse 26 "*was syahida syahidun min ahliha*" the sentence "*syahida syahidun*" is a form of *fi'il* (verb) and

<sup>70</sup> See: Criminal Procedure Code on Evidence.

<sup>71</sup> See: Law no. 12 of 2022 Article 25.

fa'il (an act of action). And in the interpretation of the scholars that one of the witnesses in the case of alleged sexual harassment of the Prophet Yusuf to Zulaikha was the shirt that was torn (torn) was a witness for his testimony { مشقوق من , لك الشهادة }/ torn on the front that was his testimony.<sup>72</sup>

Quraish Shihab quoted the opinion of Tabataba'i that what needs to be considered here is the testimony given by the witness. This is because the explanation is aqly (rational) and is a proposition based on thought which will then lead to a decision. Quraish Shihab further explained that what the witness said at first glance was unnatural, so it was called a shahadah/testimony, because usually testimony is based on the five senses. And isn't it called a shahadah/testimony based on thought and logic? so according to Tabataba'i quoted by Quraish Shihab that the naming of the witness in that verse uses the word "martyrdom" supports the history that the witness at that time was a baby who was still in the cradle. And this is also a reinforcement of the miracles of the Prophet Yusuf.<sup>73</sup> As for how the witness was present and gave his testimony, Quraish Shihab explained that the witness's presence coincided with the presence of the husband and wife (Al Aziz) and together they heard noises. And it could also be that the witness was present because, after the incident, Al Aziz immediately invited a prominent person from his wife's family to witness and also gave advice on what he should do.<sup>74</sup>

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<sup>72</sup> Muhammad Bin Jarir Bin Yazid Bin Katsir Bin Ghalib, *Jami'ul Bayan 'An Takwil al Quran Tafsir Ath-Tabari*, Volume 4...h. 346-347, See also: Imam Ath-Tabari, *Tafsir Ath-Tabari*, Tahqiq Abdurraziq Bakri, et al...p. 606.

<sup>73</sup> Muhammad Quraish Shihab, *Tafsir al Misbah (Message, Impression and Harmony of the Koran)*, Volume 6...p. 436.

<sup>74</sup> Muhammad Quraish Shihab, *Tafsir al Misbah (Message, Impression and Harmony of the Koran)*, Volume 6...p. 436.

Whereas in the opinion that the witness in question is the torn robe itself. According to the author personally, the interpretation of the torn (torn) robe was a witness to the alleged act of sexual harassment, because some said that the witness at that time was the torn robe itself. In other words, just as a person dies full of injuries, forensic science analyzes what happened to the injuries obtained. It was his own body that died as a witness to his testimony. That is the parable of the robe that bears witness. Apart from that, even though one of the interpretations of the ulama's interpretation is that the torn robe is a witness, it means majaz, in other words, it is one of the pieces of evidence that will be witnessed or proven in court. If we look at it at a glance, of course, we will be able to misunderstand the meaning that a gamis (inanimate object) can be a witness in proving a sexual harassment case or a criminal case. Another purpose is that inanimate objects that can be witnesses, for example, also lead to objects or supporting tools in proving the actual case of sexual harassment. Or digital forensic science (inanimate objects such as cellphones, harassment tools and so on) as witnesses, meaning that they are evidence in revealing sexual harassment.

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As the author explained above about this witness, this is in line with the Coherence Theory of Truth, that truth is the conformity between a statement and other statements that have been known, accepted and acknowledged as true. In other words, there is harmony and suitability between things that have been previously disclosed with other things that are also disclosed. Thus, although some witnesses can stand alone as Tafsiran Imam Ath-Tabari, witnesses who can stand alone can also be other supporting witnesses so that between one witness and his statement with another witness his statement has conformity, and this is what is called coherence.

#### 4. Raising Presumptions Against the Truth of Sexual Harassment Cases

We can find this as in Surah Yusuf verse 30, "*waqola niswatun fil madinati imroatu al azizi turowidu fataha 'an nafsiha.*" (and the women in the city say: Al Aziz's wife seduces her bachelor to submit herself to him), it means that Zulaikha's love for the Prophet Yusuf is very deep.<sup>75</sup> And news about Zulaikha and Yusuf has spread widely. Therefore, the continuation of verse 30 reads

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<sup>75</sup> Muhammad Bin Jarir Bin Yazid Bin Katsir Bin Ghalib, *Jami'ul Bayan 'An Takwil al Quran Tafsir Ath-Tabari*, Volume 4...h. 348, See also: Imam Ath-Tabari, *Tafsir Ath-Tabari*, Tahqiq Abdurraziq Bakri, et al...p. 617.

"*inna lanaroha fi dholalim mubin*" (in fact we see it in a clear error), that is, city women think that Zulaikha's actions when seducing Prophet Yusuf are very much in love with Prophet Yusuf. Whereas according to these women, Zulaikha's actions were wrong or deviant actions, as well as mistakes and misguidance, and were wrong and inappropriate actions. Even though these women had the same opinion because they also wanted to see the Prophet Yusuf.

According to the author's personal opinion, these women's opinions are a form of unclear information that they still get, so they still accuse Zulaikha that loving her slave (Prophet Yusuf) is an untrue act, even though they have not seen the correct evidence. Therefore they want to see how Zulaikha's slave is. It should be known together that there is a lesson in understanding this verse, namely that we should apply the principle of the presumption of innocence.<sup>76</sup> Therefore, the principle of presumption of innocence is also so that legal certainty can be implemented. So we don't have the time to sentence people who have no regulations, let alone it's not clear what the case is or what the actual allegations are. On the other hand, it is better for us as a society to see that the true statements must correspond to the facts as well as the statements in a problem object.

#### 5. The Real Sexual Harassment Facts Twisted Revealed

It should be known together that Zulaikha first admitted that she had been abused by the Prophet Yusuf, this is as in Surah Yusuf verse 25 "*qolat ma jaza-u man aroda biahlika su'an illa an yusjana aw*

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<sup>76</sup> The principle of the presumption of innocence is that every person who is suspected, arrested, detained, prosecuted, and / must be brought before a court must be considered innocent before a court decision declares his guilt and obtains permanent legal force. See: Loebby Loekman, The Presumption of Innocentness in Reporting by the Mass Media, *Journal of the Press Council*, Ed. 2, (2010), p. 1

*azabun alim*" (the woman said: whether the retaliation against people who intend to do obscene / obscene to your wife other than being imprisoned or punished with a painful punishment). After going through various processes such as rebuttals or straightening out the actual story, then after that there is also the quality of the evidence which is very rational and goes into logic, as well as the existence of testimonies, and various presumptions that were made, in the end, the twisting of the facts of sexual harassment was revealed. the real story, is that the Prophet Yusuf did not commit sexual harassment. This is as Surah Yusuf verse 32 "*walaqod rowadtuhu 'an nafsihi fasta'shoma*" (and indeed I had tempted him to submit himself to me, but he refused). Imam Ibn Kathir also explained that "*fasta'shoma*" means "*imtina*" (forbid; refuse; reluctant).<sup>77</sup> Meanwhile, Quraish Shihab said that he intended to take refuge to ward off danger, this is because the letters "*sin*" and "*ta*" in the word *fasta'shoma* mean protection.<sup>78</sup>

Imam Ath-Tabari explained that Zulaikha admitted that she was the one who seduced Yusuf, and that whatever the women of the city accused of was in the end the truth. The sentence "*fasta'shoma*" in verse 32 is the answer to what was accused of the Prophet Yusuf. Therefore, the twisting of this fact was carried out by Zulaikha, that Zulaikha made up a story that the Prophet Yusuf had sexually abused her.<sup>79</sup> That's not true though. On the other hand, Zulaikha also threatened Prophet Yusuf that if Joseph did not want to commit adultery with Zulaikha, Joseph would be imprisoned, so in the end, Joseph preferred to go to prison. The existence of

this threat is very coherent with Prophet Yusuf's statement that he prefers prison to Zulaikha's invitation.

Until finally Yusuf's defence note was mentioned in Surah Yusuf verse 52 "*dzalika liya'lama anna lam akhunuhu bil ghoybi*" (that is so that Al Aziz knows that Prophet Yusuf did not betray Al Aziz), and this verse has something to do with Surah Yusuf verse 51 that indeed Zulaikha who seduced Prophet Yusuf and Prophet Yusuf is one of the shodiqin (righteous) people. Buya Hamka explained that at the beginning of the verse of Surah Yusuf verse 52 "*dzalika*" (that is) in the form of a frank acknowledgment, that Prophet Yusuf did not betray, and the words came out of a clean soul.<sup>80</sup>

Imam Ath-Tabari explained that the Prophet Yusuf refused the messenger of the king of Al Aziz and the reluctance of the Prophet Yusuf to fulfill the call of the king of Al Aziz and the request of the Prophet Yusuf to ask the condition of the women who hurt his hands so that Al Aziz would know that Yusuf had not betrayed his wife, the same thing also happened.<sup>81</sup> Ibn Kathir explained it.<sup>82</sup> And Yusuf's defense note is confirmed by Surah Yusuf verse 53 "*wa ma ubarri'u nafsi, inna nafsa laammarotu bissu'i*" (and the Prophet Yusuf did not absolve himself of guilt, because in fact lust always commands evil). Whereas Buya Hamka in interpreting at the base of Surah Yusuf verse 53 "and I did not clean myself" there that Zulaikha has admitted that she does not want to avoid mistakes, and also admits that she is passionate about her passion and she cannot control herself so she seduces Prophet Yusuf. Therefore the story of twisting the facts of

<sup>77</sup> Imam Ibn Kathir, *Tafsir al Quran Al Azhim*, Volume 4...p. 331.

<sup>78</sup> Muhammad Quraish Shihab, *Tafsir al Misbah (Message, Impression and Harmony of the Koran)*, Volume 6...p. 446.

<sup>79</sup> Muhammad Bin Jarir Bin Yazid Bin Katsir Bin Ghalib, *Jami'ul Bayan 'An Takwil al Quran Tafsir Ath-Tabari*, Volume 4...h. 351, See also: Imam Ath-Tabari, *Tafsir Ath-Tabari*, Tahqiq Abdurraziq Bakri, et al...p. 652.

<sup>80</sup> Buya Hamka, *Tafsir Al Azhar*, Volume 5...p. 3665.

<sup>81</sup> Muhammad Bin Jarir Bin Yazid Bin Katsir Bin Ghalib, *Jami'ul Bayan 'An Takwil al Quran Tafsir Ath-Tabari*, Volume 4...h. 364, See also: Imam Ath-Tabari, *Tafsir Ath-Tabari*, Tahqiq Abdurraziq Bakri, et al...p. 754

<sup>82</sup> Imam Ibn Kathir, *Tafsir al Quran al Azhim*, Volume 4...p. 338

the abuse happened and was revealed in the end.<sup>83</sup>

Of course, the disclosure took a very long time, even the Prophet Yusuf went to prison first. In this incident, there are two things that we can take, namely: (1) the disclosure of the facts of sexual harassment must continue even though it is a case between difficult people and those in power, (2) over time, the truth will still be revealed and the truth will still win.

### **The Findings of the Facts of Facts of Sexual Harassment from the Perspective of Tafsir**

In this case, the author wants to make it easier to understand what the author has researched so that it becomes a comprehensive and easy-to-understand understanding in twisting the facts of sexual harassment as well as various new approaches and directions in understanding legal facts, namely:

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<sup>83</sup> Buya Hamka, *Tafsir Al Azhar*, Volume 5...p. 3665.

No.	Regarding	Indonesia Law	Ulama's Tafsir
1	Denying and Correcting Allegations of Sexual Harassment	<ol style="list-style-type: none"> <li>1. Giving rebuttals and arguments in court</li> <li>2. It is also possible to refute or rectify outside the trial</li> <li>3. It is recommended to straighten out the facts of sexual harassment and prove it in court. So that there is legal certainty that is binding and also legal certainty that is actually and avoids hoaxes.</li> <li>4. Disputing and correcting facts must be accompanied by evidence of at least 2 pieces of evidence.</li> </ol>	<ol style="list-style-type: none"> <li>1. There is no prohibition against giving rebuttals/straightening and arguments in the trial, that means it is allowed in the trial.</li> <li>2. Disputing and rectifying may be outside the court.</li> <li>3. There is no prohibition on straightening the facts in court, but it is also permissible at the time of the incident.</li> <li>4. Refutation and straightening of facts may only be 1 piece of evidence.</li> </ol>
2	Evidence Quality	<ol style="list-style-type: none"> <li>1. Rational, Correspondent and Coherent.</li> <li>2. Clear and real.</li> <li>3. There is evidence of instructions</li> <li>4. Signing evidence</li> <li>5. Supported by other evidence</li> </ol>	<ol style="list-style-type: none"> <li>1. Rational, Correspondent and Coherent.</li> <li>2. Clear and real.</li> <li>3. There is evidence of instructions</li> <li>4. Signing evidence</li> <li>5. Supported by other evidence</li> </ol>
3	Testimony	<ol style="list-style-type: none"> <li>1. Witness cannot stand alone, and must be supported by other evidence or other witness statements. This is by the principle of "unus testis nullus testis."</li> <li>2. The existence of supporting witnesses to strengthen the main witness.</li> <li>3. Cannot be a witness for small children who are under 15 years old or unmarried, and also people who have a mental illness (memory loss)</li> <li>4. The witness may not be from the victim's family unless the Public Prosecutor and the defendant agree</li> <li>5. The witness is an adult.</li> <li>6. Witness must be a human being and an intelligent and living thing.</li> </ol>	<ol style="list-style-type: none"> <li>1. Witness may stand alone and be valid even though there is no other witness.</li> <li>2. Although witnesses can stand alone, there is no prohibition against witnesses who know that others can also be supporting witnesses or supporting evidence.</li> <li>3. Witnesses can be small children (special children/chosen children).</li> <li>4. Witnesses may be from the victim's family without exception.</li> <li>5. In addition to small children who can be witnesses, adults can of course also be witnesses.</li> <li>6. In the scholars' interpretation that inanimate objects can be witnesses, this is an</li> </ol>

			interpretation of Prophet Yusuf's torn robes being witnesses of his testimony. Of course, the purpose of being a witness is not textual but contextual, that is, evidence and also evidence of instructions
4	Presumption	1. In the proving process, the principle of the presumption of innocence must be put forward.	1. There is a presumption even though there is no real evidence and it is still an "allegation."
5	Sexual Harassment Facts Twist Revealed	1. In the process of proving in court	1. Self-recognition even outside the court.
<b>Other Findings.</b>			
<ol style="list-style-type: none"> <li>1. The testimony on the alleged sexual harassment in Surah Yusuf is unusual, where usually the testimony is based on the five senses and the like, or at least with logical reasoning or evidence. But this seems to be a spontaneous gesture without thinking.</li> <li>2. Women are smarter in lying and also given a quick mind in composing a trick.</li> <li>3. An experienced woman's lust is very difficult to control if her husband has impotence, is impotence, is rarely at home and sees young handsome men.</li> <li>4. In proving sexual harassment cases, the evidence and evidence as well as testimonies as well as the storyline must be related and rational (correspondence and coherent).</li> <li>5. The case of sexual harassment is a disgrace (a major sin), therefore in cases of sexual harassment there tends to be pressure not to be known by the public (public).</li> <li>6. Criminal disputes between difficult (ordinary) people and powerful people are indeed very difficult to win for difficult (ordinary) people.</li> <li>7. 7. The punishment for sexual harassment is temporary imprisonment (not a long prison).</li> </ol>			

## Conclusion

From this research, it can be concluded that the twisting of the facts of sexual harassment is in the Koran, and the other conclusion is regarding the twisting of the facts of sexual harassment, the scholars of interpretation explain the ways of disclosure such as denying and straightening the actual story, the witness of sexual harassment can be small children or adults, the number of witnesses may only be one person, rational (reasonable) witness statements, quality of evidence, evidence of clues, correspondence and coherence in the storyline, inanimate objects can be witnesses, presumptions, punishment for abuse cases Sexual

harassment is not a long prison sentence, women are better at lying, the passions of experienced women are very difficult to control, sexual harassment is shameful behaviour and tends to be covered up, the ability to access laws is not the same between ordinary people and those in power.

Therefore, the author suggests that in various cases of sexual harassment, the police and also those who harm should not stand alone. There must be a balance in the process of accessing the law as well as the process of proving. Cases of twisting the facts of sexual harassment also often occur to defend the dignity of women, but many women make this an excuse for an interest. The results of this study can also be used as reading

material and also scientific treasures on the issue of cases of sexual harassment or sexual violence.

## References

- Al Fakih, Rahim Abdullah. 2016. *Social Law of Sexuality (A Theory and Its Implementation)*. Bandung: CV Buana Graha. cet. 3.
- Alabdulkareem, Saleh Abdullah. 2013. Science, Fact, and Absolute Truth: Critical Views of Learning, *Procedia Social and Behavioral Sciences*, 93, 2102.
- Almany Offline Arabic Dictionary, *Sexual Harassment*.
- Atabik, Ahmad. 2014. Theory of Truth from the Philosophy of Science Perspective: A Framework for Understanding the Construction of Religious Knowledge, *Fikrah*, 2 (1), 258-262
- Ath-Thabari, Muhammad Bin Jarir Bin Yazid Bin Katsir bin Ghalib. 1994. *Jami'ul Bayan 'An Takwil al Quran Tafsir Ath-Thabari*, Volume 4. Beirut: Muassasah Ar-Risalah.
- Ath-Thabari. *Tafsir Ath-Tabari*. Tahqiq Abdurraziq Bakri, et al. Azam library. Volume 14.
- BBC News Indonesia, *Case of Alleged Sexual Harassment at the University of Riau*, Published: 08 November 2021.
- CNN Indonesia, *Case of Alleged Harassment on KRL Ends Peacefully at Tebet Police*, Published: 26 August 2022.
- Kumparan. com. *The Mystery of the Alleged Sexual Harassment of Brigadier Joshua Ke Putri in Magelang*, Published: September 2, 2022.
- Compass. Com, *Narrative of Sexual Harassment Reappears in the Case of Brigadier J, Irma Hutabarat: Unreasonable, Displacement of Issues, Why Are Liars Trusted*, Published: September 4, 2022.
- Detikhot. Com, *5 Alleged Sexual Harassment of Hotman Paris at Iqlima Kim*, Published: April 30, 2022.
- Dwiyanti, Fiana. 2014. Sexual Harassment of Women in the Workplace (Case Study of DKI Jakarta Provincial Satpol PP Office), *Indonesian Journal of Criminology*, 10 (1), 29-36.
- Expert Witness Edi Hiearij Professor of Criminal Law at Gadjah Mada University as an Expert Witness in a Presidential Election Dispute at the 2019 Constitutional Court.
- Goesniadhie, Kusnu. 2006. *Harmonization of Law in Perspective of Legislation*. JP Books.
- Hamka, *Tafsir Al Azhar*, Volume 5. National Library of PTE LTD Singapore.
- ILO (International Labor Organization), *Sexual Harassment in The World of Works, Gender, Equality and Diversity and ILOAIDS Branch*, Conditions of Work and Equality Department International Labor Office.
- Information from the Deputy Chairperson of the Witness and Victim Protection Agency (LPSK) Edwin Partogi at Kompas. Com on August 04, 2022.
- Irfani, Nurfaqih. 2020. Principles of Lex Superior, Lex Specialis, and Lex Posterior: Meaning, Problems, and Their Use in Legal Reasoning and Argumentation, *Indonesian Legislation Journal*, 16 (3), 311.
- Kathir, Imam Ibn. 1419 H. *Tafsir al Quran Al Azhim*, Volume 4. Beirut: Dar al Kutub Al Ilmiyah.



- KBBI (*Big Indonesian Dictionary*) Online.
- KUHAP (*Book of the Criminal Procedure Code*).
- KUHP (*Book of Criminal Law*)
- Law No. 12 of 2022 concerning the Crime of Sexual Violence.
- Law No.19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions.
- Loekman, Lobby. 2010. The Presumption of Guilt in Reporting by the Mass Media, *Journal of the Press Council*, 2, 1.
- Lubis, Margaretha. 2015. *Social Facts*. Bandung: CV Rencaka Books. cet. 3.
- Lundqvist, Fredrik Bondestam and Maja. 2020. Sexual Harassment in Higher Education, *European Journal of Higher Education*, 10 (4), 397.
- Lutungan, Geraldo Angelo. 2018. Letters as Evidence According to the Criminal Procedure Code, *Lex Crimen*, 7 (5), 59.
- Marshal, Geoffrey. 1999. Provisional Concepts and Definitions of Fact, *JSTOR (Journal Storage)*, 18 (5), 447.
- Mdc. Edu. 2015. *Fact and Opinion*, Reading – Fact and Opinion Rev August.
- Mufliha, Anisa. 2017. *Interpretation of Verses of Sexual Violence from the Perspective of the Indonesian Women's Ulemas Congress*, Thesis of the Study Program of Al-Quran and Tafsir Faculty of Ushuluddin Institute of Al-Quran Science (IIQ) Jakarta.
- Panjaitan, Hinca Ikara Putra. 2006. *Law on the Press Indeed Lex Specialis*. newspaper.
- Ping, Choo Eern Yie and Nicole Tham Seow. 2021. Sexsual Harassment in Workplace: A Literature Review, *The International Journal of Humanities & Social Studies*, 9 (8), 29.
- Purwoleksono, Educate Endro. 2015. *Procedural Law*. Surabaya: Airlangga University Press.
- Santoso, Novrianza and Iman. 2022. The Impact of Sexual Harassment on Minors, *Journal of Citizenship Education Undiksha*, 10 (2), 53-64.
- Shihab, Muhammad Quraish. 2002. *Tafsir al Misbah (Messages, Impressions and Harmony of the Koran)*, Volume 6. Jakarta: Lanterns of the Heart. cet. I.
- Siagian, Anton Suryadi. 2021. Narcotics Crime (Lex Specialis Derogat Legi Generalis), *Nala Keadilan Journal*, 1 (2), 1-15
- Sonpoyono, Rosania Paradias and Eko. 2022. Legal Protection Against Victims of Sexual Harassment, *Indonesian Journal of Legal Development*, 4 (1), 61.72.
- Tribunnews. Com, *Family Alleged Abuse Case of Brigadier Joshua Against Putri Candrawati was twisted*, Published: September 3, 2022.
- Triwijati, Endah. 2007. Sexual Harassment: A Psychological Review, *Cultural and Political Society*, 20 (4), 303.
- WAN IFRA Woman in News, *Global Study Analysing Sexual Harassment in Newsroom*, Webist: Wan-Irfa.org.
- WHO (World Health Organization), *Violence Against Woman*, Published: 9 March 2021.
- Wilson, Ergetha F. 2015. *Facts and Punishments and Social Interactions*. Budapest Hungarian: Roof Research.
- Wulur, Nixon. 2017. Expert's Statement and Its Effect on Judge's Decision, *Lex Crimen*, 6 (2), 153-159.

Yunus, Mahmud. 2010. *Indonesian Arabic Dictionary*. Bandung: PT Mahmud Yunus wa Dzurriyah. cet. 3.

Zed, Mustika. 2014. *Literature Research Methods*. Jakarta: Indonesian Torch Library Foundation