

Legal Protection of Students in the Digital Learning Era: An Islamic Law and Indonesian Positive Law Perspective

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Info Articles	Abstract
Article History Received : 20-09-2026 Revised : 28-09-2026 Published: 09-10-2026 Keywords: <i>Student Protection; Digital Learning; Child Protection; Personal Data; Islamic Law; Positive Law; Educational Institutions</i>	<i>Digital learning has moved a substantial part of Indonesian education into environments governed by platform design rather than by school rules, exposing students to data processing, electronic sexual violence, bullying, and commercial targeting. Indonesian protective instruments were built for the physical school and for offline harms, and Islamic legal discussion of the duties owed to learners has remained largely ethical. This study identifies the harms that digital learning generates for students, maps Indonesian protective instruments against them, examines the duties Islamic law imposes on those who assume responsibility for a learner, and formulates a framework of protection. The research is normative juridical and doctrinal, using statutory and conceptual approaches, supported by classical doctrine on guardianship, trust, and the prohibition of harm, and by maqasid reasoning. Indonesian law covers the harms unevenly. Sexual violence, including its electronic forms, and the processing of children's data are addressed by recent statutes; bullying and violence in education are addressed by ministerial regulation; commercial targeting, surveillance by learning technology, and the conduct of unvetted online instructors are substantially unregulated. The educational institution's position is the weak point: it bears duties under education regulation but its responsibility for harms arising on platforms it selects is undefined. Protection should follow the assumption of responsibility rather than the location of the harm, with institutional duties of selection, supervision, and response stated expressly, and with data minimisation treated as a protective obligation rather than a compliance formality.</i>

I. INTRODUCTION

A significant part of Indonesian education now takes place in environments the school does not own. Learning management systems record what a student reads and for how long; messaging groups carry instruction and, alongside it, the social life of the class; video platforms host lessons whose recordings persist; applications assess, rank, and recommend. The period of emergency remote schooling established these practices at scale, and they have remained in hybrid form. The legal question that follows is simple to state and difficult to answer: who protects the student when the classroom is a service operated by a third party?

Indonesian law provides a substantial but uneven set of answers. The national education statute confers rights on learners, including the right to education services consistent with their talents and abilities and the right to religious

instruction from a teacher of their own religion.¹ Child protection legislation obliges educational institutions to protect learners from violence in its physical, psychological, and sexual forms, and imposes criminal liability for violence against children, with aggravation where the perpetrator is an educator.² A ministerial regulation issued in 2023 established a comprehensive framework for the prevention and handling of violence in education units, covering physical and psychological violence, bullying, sexual violence, discrimination, and intolerance, and requiring institutions to establish handling teams and procedures.³ The statute on sexual violence enacted in 2022 recognises electronic-based sexual violence as an offence and provides for victim protection and recovery.⁴ The personal data statute imposes obligations on controllers and specific requirements where the data of children is processed.⁵

These instruments were nevertheless designed around a particular picture: harm occurring within a bounded institution, inflicted by identifiable persons present at the scene, and detectable by teachers and parents. Digital learning departs from that picture in four ways that matter legally. The harm may occur outside school hours in a space the school created; the perpetrator may be anonymous or outside the jurisdiction; the harm may be continuous rather than episodic, as with the circulation of recorded material; and the most consequential harms may not be inflicted by any person at all but produced by the design of a service, as with data profiling and engagement optimisation.

Islamic legal discussion of the duties owed to learners has traditionally proceeded through the literature on the etiquette of teacher and student, which is rich in substance but framed as moral counsel rather than as enforceable obligation.⁶ The underlying legal concepts are nevertheless available and underused. The learner in an educational institution is placed in the care of another, which engages the doctrine of trust; the institution exercises a delegated authority derived from the guardian, which limits what it may do and obliges it to act in the learner's interest; and the general prohibition of causing harm supplies a ground of liability that does not depend on the classification of the harm.⁷

Scholarship has examined child protection in Indonesian law, violence in schools, and, more recently, electronic-based sexual violence. Work specifically addressing the legal position of the student in digital learning, and in particular the responsibility of the institution for harms arising on platforms it selects, remains

¹ Republic of Indonesia, Law No. 20 of 2003 concerning the National Education System, Article 12(1).

² Law No. 23 of 2002 concerning Child Protection, as amended by Law No. 35 of 2014 and Law No. 17 of 2016, Articles 9(1a), 54, and 76C.

³ Regulation of the Minister of Education, Culture, Research and Technology No. 46 of 2023 concerning the Prevention and Handling of Violence in Education Units, Articles 2–10 and 24–30.

⁴ Law No. 12 of 2022 concerning the Crime of Sexual Violence, Articles 4, 14, and 66–70.

⁵ Law No. 27 of 2022 concerning Personal Data Protection, Articles 16, 20–26, and 25.

⁶ Burhān al-Dīn al-Zarnūjī, *Ta'lim al-Muta'allim Ṭarīq al-Ta'allum* (Beirut: al-Maktab al-Islāmī, 1981), 13–28; Badr al-Dīn Ibn Jamā'ah, *Tadhkirat al-Sāmi' wa al-Mutakallim fī Adab al-'Ālim wa al-Muta'allim* (Beirut: Dār al-Kutub al-'Ilmiyya, 2005), 45–63.

⁷ Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld, 2008), 191–200.

scarce.⁸ The Islamic legal dimension has been examined mainly in ethical terms rather than through the doctrines of trust and delegated authority that would generate obligations.

This article accordingly asks four questions. First, what harms does digital learning generate for students, and how do they differ structurally from the harms the existing framework was designed to address? Second, how well do Indonesian instruments cover those harms? Third, what obligations does Islamic law impose on institutions and educators who assume responsibility for a learner, and how do those obligations translate into legal duties? Fourth, what framework of protection follows?

II. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Classical Islamic doctrine supplies three concepts of direct relevance. The first is trust: property or persons placed in another's care generate duties of preservation and liability for loss caused by negligence or by exceeding the terms of the trust.⁹ Applied to education, the institution that receives a child receives a trust, and its duty extends to the conditions it creates, not merely to the acts it performs. The second is guardianship: authority over a minor is exercised in the minor's interest, and a delegated exercise of that authority is limited by the purpose of the delegation.¹⁰ An institution that enrolls a child receives authority for educational purposes, which does not extend to permitting the commercial exploitation of the child's data. The third is the prohibition of causing harm, a general principle from which the jurists derived the removal of harm as a positive obligation and the avoidance of the means leading to harm as a distinct ground of restriction.¹¹

The theory of purposes supplies the evaluative framework. Digital learning harms engage the protection of intellect, through the distortion of attention and the degradation of learning; the protection of honour and lineage, through sexual harms and the circulation of images; the protection of life, in its psychological dimension; and the protection of property, through commercial exploitation.¹² Because the essential interests are graded, measures restricting a service that threatens them are justified in proportion to the interest at stake, which supplies a principled basis for differentiating regulatory intensity.

Modern educational ethics in Islam, developed by al-Attas and others, treats formation as the purpose of education and therefore regards the environment of

⁸ Compare the analysis of protective duties in Regulation of the Minister of Education, Culture, Research and Technology No. 46 of 2023, Articles 24–30, with the absence of any provision addressing platform selection.

⁹ Kamali, *Shari'ah Law*, 191–200.

¹⁰ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd ed. (Cambridge: Islamic Texts Society, 2003), 442–50.

¹¹ Kamali, *Principles of Islamic Jurisprudence*, 267–81 and 397–410.

¹² Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharī'a* (Cairo: Dār Ibn 'Affān, 1997), 2:17–25; Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008), 45–55.

learning as part of what is taught.¹³ This has a specific implication for the present subject: a learning environment that habituates students to surveillance and to engagement-driven attention is not neutral with respect to the formation the institution claims to provide.

General legal theory supplies the fourth framework. The literature on the responsibility of intermediaries and on the allocation of duties in complex service chains explains why protection fails where the party with practical control is not the party bearing the duty.¹⁴ Lessig's argument that architecture regulates conduct is directly applicable, since the incidence of harm in a learning platform is determined more by default settings, retention periods, and communication features than by the school's code of conduct.¹⁵ Fuller's requirement of congruence between declared rule and official action is engaged where a school's stated protective policy has no purchase on the environment in which its students actually study.¹⁶

The gap addressed here is the junction between these bodies of work. Indonesian scholarship has analysed protective statutes; educational research has analysed digital learning; Islamic legal scholarship has analysed the ethics of teaching. None has asked how the duties of trust and delegated authority should be translated into institutional obligations when the institution's chosen environment is operated by someone else.

III. RESEARCH METHOD

This study is normative juridical research, doctrinal in technique and prescriptive in orientation.¹⁷ It reconstructs the applicable norms, tests their coverage against an independently constructed map of harms, and proposes a framework.

The statutory approach examines the national education statute, child protection legislation, the statute on sexual violence, the personal data statute, the legislation on electronic information and transactions, and the ministerial regulation on the prevention and handling of violence in education units. The conceptual approach clarifies the relations among protection, responsibility, supervision, and liability, and constructs a typology of digital learning harms by reference to their source rather than their label. Islamic legal methodology is applied internally, with the doctrines of trust, guardianship, and the prohibition of harm supplying the obligations analysed, and *maqāṣid al-sharī'a* supplying the criterion of proportionality.

Primary legal materials comprise the 1945 Constitution, particularly Articles 28B(2) and 31; Law No. 20 of 2003 concerning the National Education System; Law No. 23 of 2002 concerning Child Protection as amended by Law No. 35 of 2014 and

¹³ Syed Muhammad Naquib al-Attas, *The Concept of Education in Islam: A Framework for an Islamic Philosophy of Education* (Kuala Lumpur: ISTAC, 1991), 13–28; Abū Ḥāmid al-Ghazālī, *Iḥyā' 'Ulūm al-Dīn* (Beirut: Dār al-Ma'rifa, n.d.), 1:15–30.

¹⁴ Lon L. Fuller, *The Morality of Law*, rev. ed. (New Haven: Yale University Press, 1969), 39–62.

¹⁵ Lawrence Lessig, *Code: Version 2.0* (New York: Basic Books, 2006), 121–37.

¹⁶ Fuller, *The Morality of Law*, 81–91.

¹⁷ Peter Mahmud Marzuki, *Penelitian Hukum*, rev. ed. (Jakarta: Kencana, 2017), 55–60.

Law No. 17 of 2016; Law No. 12 of 2022 concerning the Crime of Sexual Violence; Law No. 27 of 2022 concerning Personal Data Protection; Law No. 11 of 2008 concerning Electronic Information and Transactions as amended by Law No. 19 of 2016 and Law No. 1 of 2024; Law No. 44 of 2008 concerning Pornography; Government Regulation No. 57 of 2021 concerning National Education Standards as amended by Government Regulation No. 4 of 2022; and Regulation of the Minister of Education, Culture, Research and Technology No. 46 of 2023 concerning the Prevention and Handling of Violence in Education Units. Secondary materials are peer-reviewed articles, monographs, and classical works.

The analysis constructs a typology of harms, maps the instruments against it, identifies gaps, tests the institution's position under Islamic legal doctrine and Indonesian law, and formulates a framework. The study does not generate empirical data on the incidence of harm; prevalence claims are avoided, and the analysis proceeds from the structural features of the environment rather than from estimates of frequency.

IV. RESULTS AND DISCUSSION

A. A Typology of Digital Learning Harms

The first finding is that the harms of digital learning are not a single category and should be classified by their source, because the source determines which legal technique can address them.

Harms inflicted by identifiable persons. Sexual harassment and abuse by educators or peers conducted through messaging and video; bullying and humiliation in class groups; the non-consensual circulation of images. These are recognisable versions of familiar harms, altered by persistence and reach: material once circulated cannot be recalled, and the audience is not limited to those present.

Harms inflicted by unidentifiable or external persons. Contact by strangers admitted to poorly secured sessions; grooming that begins in an educational context and migrates to private channels; impersonation of teachers or classmates. Here the school's disciplinary apparatus has no purchase, and criminal process is complicated by anonymity.

Harms produced by service design. Retention of behavioural records beyond any educational purpose; profiling for commercial purposes; recommendation systems that direct students toward content selected for engagement; features that reward continuous presence. No person intends the harm, which is why conduct-based rules do not reach it.

Harms arising from the absence of institutional boundaries. Instruction by persons whose suitability has never been assessed, particularly in the non-formal sector where online religious and academic tutoring is largely unsupervised; assessment and disciplinary action taken without procedure; the erosion of the distinction between school time and private time.

Two features cut across these categories and deserve separate notice. The first is persistence: digital harms leave artefacts recordings, screenshots, forwarded messages that continue to circulate after the conduct has ceased, so that a single act produces continuing injury. Legal responses built around punishing an act therefore address only part of the harm, and remedies directed at removal and at preventing

recirculation matter as much as sanctions. The second is diffusion of responsibility: in a physical classroom a teacher is present and accountable, whereas in a digital environment supervision is divided between a teacher who cannot observe, a platform that observes everything but owes no educational duty, and parents who see only fragments. Where everyone is partly responsible, no one is answerable, which is the condition in which harm persists.

B. Mapping Indonesian Instruments Against the Harms

The second finding is that Indonesian coverage is substantial for the first category, developing for the second, and thin for the third and fourth.

For harms inflicted by identifiable persons, the framework is strong on paper. Child protection legislation obliges educational institutions to protect learners from violence and provides aggravated penalties where the offender is an educator; the statute on sexual violence recognises electronic-based sexual violence and provides for protection and recovery of victims; the ministerial regulation of 2023 requires education units to establish prevention and handling arrangements, including handling teams, reporting channels, and time-bound procedures.¹⁸ The principal weakness is implementation capacity rather than normative coverage.

For harms inflicted by external persons, criminal law applies and the electronic information statute supplies offences relating to harmful content, but the institution's duty to prevent access by securing sessions, controlling admission, and verifying participants is not stated anywhere as an obligation.¹⁹

For harms produced by service design, the personal data statute is the operative instrument. It requires a lawful basis, purpose limitation, and data minimisation; it imposes specific requirements where children's data is processed; and it confers a right to object to decisions based solely on automated processing.²⁰ What is missing is the translation of these general obligations into the educational setting: no instrument states that a school selecting a platform must assess its data practices, that behavioural records generated for instruction may not be used for commercial purposes, or that retention must be limited to the educational relationship.

For harms arising from the absence of boundaries, coverage is weakest. Formal institutions are subject to teacher qualification and conduct requirements, but online tutoring and non-formal religious instruction delivered at scale are subject to no vetting requirement, and the education standards do not address the boundary between school time and private time.

Harm category	Principal instrument	Coverage
Violence and sexual harm by known persons	Child protection law; sexual violence law; ministerial regulation	Strong in norm, weak in capacity

¹⁸ Law No. 23 of 2002 as amended, Articles 54 and 76C; Law No. 12 of 2022, Articles 4 and 14; Regulation of the Minister of Education, Culture, Research and Technology No. 46 of 2023, Articles 24–30.

¹⁹ Law No. 11 of 2008 concerning Electronic Information and Transactions, as amended by Law No. 19 of 2016 and Law No. 1 of 2024, Articles 27–29; Law No. 44 of 2008 concerning Pornography, Articles 4 and 29.

²⁰ Law No. 27 of 2022, Articles 4, 10, 16, 20–26, and 25.

Harm category	Principal instrument	Coverage
Harm by external or anonymous persons	Criminal law; electronic information law	Reactive only; no duty to prevent access
Harm produced by service design	Personal data law	General obligations, no educational translation
Absence of institutional boundaries	Teacher and standards regulation	Formal sector only

Table 1. Indonesian protective instruments mapped against digital learning harms

A further observation concerns enforcement capacity. The ministerial regulation of 2023 requires education units to establish prevention and handling teams, to receive reports, and to act within defined periods. These are demanding obligations for institutions with small staffs, and in madrasah and private schools with limited administration the requirement risks being satisfied on paper. The comparative lesson from other fields of compliance regulation is that small entities comply when the obligation is specified concretely and supported centrally: model procedures, standard forms, a regional office that can be called, and training. A framework that states obligations without supplying these supports produces documentation rather than protection.

C. The Institution's Position: Trust, Delegated Authority, and Responsibility for the Environment

The third finding concerns where responsibility should lie, and it is the analytical core of this article.

Islamic legal doctrine gives a clear answer in principle. A person who receives another's child for instruction receives a trust, and the holder of a trust is liable for loss attributable to negligence or to exceeding the terms on which the trust was received.²¹ The authority the institution exercises is delegated from the guardian and is limited by its purpose, so that acts outside that purpose are not merely improper but unauthorised.²² And the prohibition of causing harm, together with the obligation to remove harm and to block the means leading to it, obliges the holder of the trust to attend to foreseeable risks in the conditions it creates, not only to harms it inflicts.²³

Applied to digital learning, these doctrines yield three institutional duties. The first is a duty of selection: an institution that requires students to use a platform is responsible for the choice, and must assess the platform's data practices, security features, and communication controls before adopting it. The second is a duty of supervision: the institution must configure and monitor the environment it has created, including the admission of participants, the retention of recordings, and the availability of private channels between adults and minors. The third is a duty of response: the institution must provide accessible reporting and act on reports

²¹ Kamali, *Shari'ah Law*, 191–200.

²² Kamali, *Principles of Islamic Jurisprudence*, 442–50.

²³ Kamali, *Principles of Islamic Jurisprudence*, 267–81 and 397–410.

within defined periods, which the ministerial regulation already requires for violence and which should extend to the harms this article identifies.²⁴

Indonesian positive law supports but does not state these duties. The education standards impose general requirements on the learning process, child protection legislation imposes a duty to protect learners, the data statute imposes controller obligations on the institution that determines the purposes of processing, and the ministerial regulation imposes prevention and handling arrangements. The gap is that no instrument connects them to the specific decision the selection and configuration of a digital environment through which most digital harms become possible.

Two further points follow. First, the institution's status as data controller is doing more work than is generally recognised: where a school determines that students shall use a platform and for what purposes, the school is not a bystander to the platform's processing. Second, the doctrine of delegated authority bears directly on consent: consent given by a guardian for educational purposes cannot support processing for commercial purposes, and a school that channels students into a service whose terms authorise such processing has exceeded the authority delegated to it.

A further consequence concerns the position of parents. The doctrine of delegated authority locates the origin of the institution's authority in the guardian, which implies that the guardian is entitled to know what the delegation is being used for. In practice, parents are rarely told which platforms their children are required to use, what data those platforms collect, how long it is retained, or whether it is used for purposes beyond instruction. A disclosure duty owed to guardians is therefore not an administrative courtesy but the natural correlate of the authority the institution exercises, and it has the practical advantage of creating a check that does not depend on regulatory capacity.

The analysis also bears on the growing use of monitoring technology. Where an institution deploys proctoring or activity-monitoring software, it is exercising delegated authority in a manner that intrudes on the learner's privacy, and the classical requirement that delegated authority be exercised for the benefit of the person concerned imposes a test of necessity and proportionality. A measure adopted for administrative convenience, or to avoid redesigning assessment, does not satisfy that test merely because it is effective.

D. Students as Rights-Holders, Not Only as Objects of Protection

The fourth finding concerns the framing of protection. Indonesian instruments in this field are largely protective in the paternal sense: they define what must not be done to students and who must prevent it. The education statute, however, confers rights on learners, and the constitutional guarantee of the right to education and of protection from violence and discrimination belongs to the child.²⁵

²⁴ Regulation of the Minister of Education, Culture, Research and Technology No. 46 of 2023, Articles 24–30.

²⁵ The 1945 Constitution of the Republic of Indonesia, Articles 28B(2) and 31(1); Law No. 20 of 2003, Article 12(1).

Three consequences follow for digital learning. First, procedural rights matter: where a student is assessed, ranked, or disciplined on the basis of digitally generated records, the student is entitled to know the basis and to contest it, which the data statute supports through rights of access and objection.²⁶ Second, proportionality applies to protective measures themselves: monitoring software installed to prevent cheating or misconduct interferes with the student's privacy, and its justification must be assessed against the interest protected rather than assumed. Third, participation has value: protective arrangements designed without consulting students tend to address the harms adults notice rather than those students experience, and the ministerial regulation's requirement of handling arrangements would be strengthened by requiring student involvement in their design.

This framing aligns with the Islamic legal analysis rather than competing with it. The doctrine of delegated authority is precisely a doctrine about the limits of adult power over a minor, exercised for the minor's benefit; and the purposes analysis treats the protection of intellect as an interest of the learner, not of the institution.

E. Comparative Reference: Regulating the Provider Rather Than the Place

The structural difficulty identified above that the entity with practical control over the learning environment is not the entity bearing the protective duty is not peculiar to Indonesia, and comparison at the level of technique indicates three responses that have been adopted elsewhere.

The first is to impose duties directly on providers of services likely to be accessed by children, requiring risk assessment, safety-by-design, and default settings appropriate to minors. The technique attaches obligations to the provider regardless of whether a school is involved, which addresses the case of the student using a service the school did not select.

The second is to classify systems used in education for admission, assessment, and monitoring as high-risk, subjecting them to documentation, accuracy, human oversight, and transparency requirements. This reaches the harms produced by service design, which conduct rules cannot touch, and it places the burden of demonstrating suitability on the party with the relevant knowledge.

The third is to impose procurement duties on the institution, requiring assessment of a service before adoption and periodic review afterwards. This is the least demanding of the three and the most immediately available in Indonesia, because it requires no new statutory power: an education ministry regulation could require education units to assess the data practices, communication controls, and retention policies of any platform they adopt, and to record the assessment.

The comparative lesson is that the three techniques are complementary rather than alternative. Provider duties protect children generally; risk classification reaches design harms; procurement duties make the institution answerable for its own choice. Indonesia currently has none of the three in the educational context, and the third is the natural starting point because it can be introduced under existing authority and creates the record on which supervision depends.

²⁶ Law No. 27 of 2022, Articles 5–10.

F. A Framework of Protection

The findings support a framework organised around four propositions.

Protection follows the assumption of responsibility, not the location of the harm. An institution that requires or induces students to learn in a digital environment bears responsibility for that environment, whether or not it owns it, and whether or not the harm occurs during school hours.

Duties of selection, supervision, and response should be stated expressly. These duties exist by implication in the combination of child protection, education, and data law; stating them in the education regulation would make them administrable and would give supervisory bodies a basis for assessment.

Data minimisation is a protective obligation. Behavioural records generated in the course of instruction should be collected only to the extent necessary for the educational purpose, retained only for the duration of the educational relationship, and never used for commercial purposes; this is the concrete form that the limits of delegated authority take in a digital setting.

Vetting should follow function. Any person providing instruction to minors at scale, whether within a formal institution or through an online service, should be subject to suitability requirements proportionate to the contact involved; the present confinement of vetting to formal institutions leaves the fastest-growing segment unregulated.

Proposition	Instrument	Interest protected
Responsibility follows assumption of care	Education regulation	Trust and safety
Duties of selection, supervision, response	Ministerial regulation	Prevention and remedy
Data minimisation in education	Data protection implementing rules	Privacy and honour
Vetting proportionate to contact	Statute and ministerial regulation	Protection of minors

Table 2. Framework for the legal protection of students in digital learning

G. Objections and Limits

Three objections to the framework proposed here deserve an answer.

The first is that extending institutional responsibility to environments the institution does not own imposes a burden schools cannot carry. The answer is that the responsibility proposed is not for the platform's conduct but for the school's own decision: a duty to assess before adopting, to configure what can be configured, and to respond to what is reported. These are within the capacity of any institution, and where capacity is genuinely limited the appropriate response is central support assessed tool lists, default configurations, model notices rather than the absence of duty.

The second is that protective regulation of online instruction risks interfering with religious teaching conducted informally, a concern with particular force in a field where study circles and recitation classes have always operated outside state supervision. The answer is that the obligations proposed are proportionate to contact with minors and are directed at safety rather than content: identity verification of instructors, the avoidance of private adult-child channels, and a reporting route are not regulation of what is taught. A framework that confined itself to formal institutions would in any event leave the largest population of learners unprotected while burdening the institutions that are already the most supervised.

The third is that a rights-based framing of the student's position sits uneasily with an educational culture that emphasises deference. The answer is that the two are compatible in the way the classical doctrine of delegated authority already shows: authority over a minor is exercised for the minor's benefit and is limited by that purpose, so that recognising the learner's entitlement to know the basis of decisions taken about them constrains the manner of authority without denying its existence.

A limitation should also be acknowledged. The analysis is structural and does not measure incidence. The design of proportionate obligations ultimately requires evidence about which harms occur most often and in which settings, and that evidence does not yet exist for Indonesian digital learning in a form that would support fine calibration.

V. CONCLUSION

Digital learning generates four structurally distinct categories of harm: harms inflicted by identifiable persons, harms inflicted by external or anonymous persons, harms produced by the design of the service, and harms arising from the absence of institutional boundaries. Indonesian law covers the first substantially, through child protection legislation, the statute on sexual violence, and the ministerial regulation on violence in education units; the second only reactively; the third through general data protection obligations that have not been translated into the educational setting; and the fourth hardly at all, since vetting and conduct requirements attach to formal institutions while much online instruction occurs outside them.

Islamic law supplies the missing organising principle. A learner received for instruction is a trust; the authority exercised over that learner is delegated and limited by its purpose; and the holder of the trust must avoid and remove foreseeable harm in the conditions it creates. These doctrines generate three institutional duties selection, supervision, and response that Indonesian instruments support by implication but nowhere state. They also explain why the commercial exploitation of student data is not merely a data protection infringement but an excess of delegated authority, and why a school that selects a platform cannot treat that platform's practices as someone else's responsibility.

Protection should therefore follow the assumption of responsibility rather than the location of the harm. Four measures give effect to this: stating the duties of selection, supervision, and response in education regulation; treating data minimisation as a protective obligation with retention limited to the educational relationship and commercial use prohibited; extending suitability requirements to any person instructing minors at scale, including online and non-formal providers; and recognising students as rights-holders entitled to know and contest the basis of decisions made about them and to participate in the design of protective arrangements.

Further research should measure the incidence and forms of harm in Indonesian digital learning, examine the data practices of platforms most widely used by Indonesian schools and madrasah, and develop guidance translating controller obligations into practical criteria that school leaders without technical expertise can apply.

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