

Reconceptualizing Child Protection from Sexual Abuse through Maqasid al-Shari'ah: A Normative Framework for Law Reform in the Maldives

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Abstract

Child sexual abuse represents a grave violation of human dignity, requiring comprehensive legal and institutional responses. In Muslim-majority jurisdictions, reform initiatives must be anchored in a coherent Islamic normative framework to secure both legitimacy and practical effectiveness. In the Maldives, recent legislative developments have strengthened statutory protections for children; however, reform discourse frequently emphasizes procedural deficiencies while insufficiently engaging the Islamic legal imperatives that mandate proactive state intervention. Employing a doctrinal and normative legal analysis, this article draws upon classical Islamic jurisprudence and contemporary *maqasid al-shari'ah* scholarship to reconceptualize child protection as an intrinsic objective of Shari'ah rather than a purely modern policy concern. It argues that the preservation of life, dignity, lineage, and psychological integrity necessitates strong safeguards against sexual abuse. Building on this foundation, the article advances a reform framework centered on preventive mechanisms, trauma-sensitive procedures, specialized institutional structures, and coordinated governance. Situated within the Maldivian legal context, this analysis demonstrates that strengthening child protection laws constitutes both a juridical necessity and a religious obligation. By aligning contemporary legal reforms with the higher objectives of Islamic law, Muslim-majority states can enhance the legitimacy and effectiveness of their child protection systems.

Keywords: Maqasid al-Shari'ah; child protection; child sexual abuse; Islamic legal theory; law reform; Maldives

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comparative contexts, it advances a maqasid - centered framework tailored for reforming child protection laws in the Maldives.

Literature Review

Existing scholarship shows that Islamic jurisprudence brims with normative resources for safeguarding vulnerable groups, especially women and children. Thus far many modern legal systems in Muslim-majority countries hesitate when it comes to turning these principles into healthy institutional action. Research on Islamic family law reforms highlights how formal protections often waver within careless enforcement, incoherent processes, and poor coordination between agencies, leaving unadorned divides between doctrinal ideals and real-world outcomes.¹

This theoretical strand stresses that maqasid al-shari'ah isn't a stiff list of goals but a living, humanitarian scope for steering legal reforms today. Leading scholars frame it around core values like promoting welfare (maslahah), warding off harm (dar' al-mafasid), and upholding justice - values that vigorously inform how we interpret and apply the law. From this lens, protection of children isn't optional; it's a necessary legal and moral obligation, interlaced into the very core of the Shari'ah.²

Building on this foundation, other studies spotlight how maqasid-inspired readings pave the way for reforms that truly safeguard children and advance gender justice. They show, convincingly, how principles like welfare and human dignity give solid grounding for forward-thinking laws - think stronger procedural protections or dedicated agencies to support those who need it most.³ These studies together make a compelling case: Islamic legal methods align seamlessly with today's child protection goals.

Empirical and doctrinal studies bring these concepts to life, showing how *maqasid* reasoning tackles real-world harms to children head-on. Take child marriage: when viewed through this lens, it clearly clashes with protecting life, health, and dignity, making a strong case for state action to limit or ban it outright.⁴ While these analyses zero in on particular issues, they offer a useful roadmap for sizing up other child welfare fears, like sexual abuse.

Comparative studies from Malaysia's legal landscape shed further light on how Islamic principles can bolster modern child protection laws. In cases involving children's religious identity disputes, courts are turning more often to maqasid-guided reasoning alongside the "best interests of the child" principle to harmonize Shari'ah with constitutional rights.⁵ These experiences show how Islamic normative frameworks can strengthen - rather than stand in the way of - child-centered legal outcomes.

Despite the growing body of work on maqasid and issues like family or gender justice, a clear gap lingers. Most scholars have not tackled how to systematically apply maqasid to child sexual abuse via sweeping criminal justice and institutional reforms. Most stick to doctrinal debates or narrow issues, overlooking how Islamic objectives could

¹ H Ismail and N Hassan, 'Protection of Women and Children in Islamic Family Law: Gaps and Proposed Reforms in the Malaysian Shari'ah Legal System' (2023) 11(2) *Malaysian Journal of Syariah and Law* 12.

² M Tahir, 'Maqāsid al-Sharī'ah Transformation in Law Implementation for Humanity' (2022) 6(1) *Journal of Contemporary Islamic Thought* 41.

³ L Anisa and R Sari, 'Role of Maqāsid Sharī'ah Interpretation in Achieving Gender-Responsive and Child-Protective Legal Reforms' (2024) 12(3) *Journal of Islamic Legal Studies* 115.

⁴ A Hafidz, M Rahman and S Yusuf, 'Reassessing Harmful Marriage Practices through Maqāsid al-Sharī'ah and Child Protection Principles' (2023) 5(1) *Journal of Islamic Family Law Studies* 55; Busriyanti, 'Child Marriage Practices from the Perspective of Maqāsid al-Sharī'ah' (2024) 8(2) *Al-Istinbath: Journal of Islamic Law* 88.

⁵ K Anuar and M Abdullah, 'The Implications of Religious Conversion on the Determination of a Child's Religion: A Comparative Analysis of Shari'ah and Malaysian Civil Law within the Framework of Maqāsid al-Sharī'ah' (2025) 9(7) *International Journal of Research in Islamic and Social Sciences* 32.

shape truly holistic child protection strategies. This article steps into that space, laying out a maqasid-driven normative framework custom-built for fighting child sexual abuse within the Maldives' legal system.

Conceptual Framework: Maqasid al-Shari'ah and Child Protection

Islamic legal theory has always viewed law as purposeful, not just a string of rigid rules. The doctrine of maqasid al-shari'ah embodies this by rooting the validity of legal norms in their power to promote human welfare and avert harm. Classical jurists, in turn, weighed obligations not merely by their textual letter but by the vital interests they safeguarded - pinning the core aim of the Shari'ah to preserving those essential human goods.

Through this lens, child protection isn't some side issue - it's right at the heart of Islamic legal aims. Children stand out as especially vulnerable, with their physical growth, mental well-being, and social ties touching on multiple maqasid all at once. Harm to a child, then, strikes at the Shari'ah's purposes in several dimensions right away. Today's scholars build on this, stressing dignity, justice, and human flourishing as core values woven deep into the maqasid.⁶ Child sexual abuse strikes directly at these core values.

First, preserving life (*hifz al-nafs*) goes beyond mere survival - it covers bodily integrity and physical safety too. Sexual abuse puts children at risk of injury, deep trauma, and lasting health consequences, directly contradicting this goal. Islamic legal principles insist on rooting out harm (*dar' al-mafasid*) and fostering well-being (*jalb al-maslahah*), which means the state has a clear duty to step in and shield vulnerable children from dangers we can see coming.

Second, protecting dignity and honor (*hifz al-'ird*) takes on special weight with sexual crimes. Historically, breaches of sexual integrity ranked among the worst offenses because they shred personal honor and moral standing. Through a maqasid lens, upholding dignity calls for tough deterrence, solid safeguards in procedures, and real accountability for those who offend.

Third, preserving lineage (*hifz al-nasl*) reaches further than just bloodlines - it covers nurturing children's moral, emotional, and social growth in a stable family setting. Abuse upends that foundation, endangering both the child's well-being and the wider social fabric. Scholars using maqasid reasoning in family and child protection reforms thus argue that state action to curb exploitation fits squarely within Islamic legal thinking.⁷

Fourth, safeguarding intellect and psychological integrity (*hifz al-'aql*) covers mental health and emotional wholeness. Today's psychological studies make it clear: child sexual abuse survivors often carry lifelong trauma and cognitive scars. In the Shari'ah's framework, these are precisely the kinds of harms the law must head off. This makes trauma-informed procedures and real support for healing not just desirable, but essential requirements of justice.

Taken together, these principles lay bare how child sexual abuse strikes at multiple maqasid all at once, marking it as one of the gravest harms in an Islamic normative framework. That overlapping damage calls for a legal response just as forceful and comprehensive. Islamic jurisprudence has long made room for adaptable tools like *ta'zir* penalties and discretionary state measures, letting authorities calibrate punishments and safeguards to fit the context. Today's maqasid thinkers, like Jasser Auda, take this further: they see maqasid as a living, systems-focused guide for overhauling institutions, governance, and policy - not just handing down isolated rulings.⁸ (Auda,

⁶ Muḥammad al-Ṭāhir Ibn 'Āshūr, *Treatise on Maqāṣid al-Sharī'ah* (Mohamed El-Tahir El-Mesawi tr, International Institute of Islamic Thought 2006).

⁷ Anisa and Sari, 'Role of Maqāṣid Sharī'ah Interpretation' (n 3).

⁸ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought 2008).

2008). This approach enables contemporary states to adopt specialised institutions, coordinated procedures, and preventive safeguards while remaining firmly grounded in Islamic legal principles.

The maqasid framework thus recasts child protection as a forward-leaning state obligation, not just a matter of cracking down after the fact. Safeguarding kids from abuse goes beyond punishment to embrace prevention, education, seamless institutional teamwork, and genuine rehabilitation. Here, Islamic legal philosophy lines up squarely with today's child protection ideals - both zero in on upholding human dignity and welfare. Identifying this overlap establishes a robust normative foundation for daring legal reforms, as illustrated in Figure 1.



Figure 1. Conceptual Framework of Maqasid al-Shari'ah-Based Child Protection
Source: Author's own illustration.

Figure 1 maps out how the Shari'ah's core objectives intertwine with today's child protection duties. Preserving life, dignity, lineage, and intellect together imposes a layered state responsibility: to block harm, secure well-being, and build solid institutional safeguards. Framing child sexual abuse as a hit against multiple *maqasid* at once makes it clear that prevention, rehabilitation, and governance reforms aren't optional policies; they're legal imperatives straight from Islamic jurisprudence.

Integrating Maqasid al-Shari'ah into Contemporary Child Protection Law Reform

Recognizing child protection as a *maqasid* imperative means turning those lofty normative principles into real-world institutional setups. The Shari'ah's objectives can't just stay as abstract ideals - they've got to shape how we design investigations, procedural protections, and governance itself. Legal reform, at its core, is about syncing up today's regulatory tools with the protective aims baked into Islamic jurisprudence.

A maqasid-driven reform agenda begins by shifting the law from punitive measures to proactive protection. For child protection, that means state bodies stepping in early - through public awareness drives, monitoring setups, and heads-up alert systems - to stop abuse before it starts. Things like school-based prevention programs, mandatory reporting rules, and community watch networks aren't just handy modern fixes; they're living expressions of the Shari'ah's call to head off harm. Prevention here isn't some nice add-on - it's delivering on legally binding religious goals.

Second, a *maqasid* lens insists on child-centered, trauma-aware investigations and procedures. Protecting intellect and psychological health (*hifz al-'aql*) demands legal processes that sidestep further harm to victims. Standard

adversarial setups, such as repeated grillings or stark courtrooms, can exacerbate trauma and undermine the law's intended welfare objectives. That's why specialized interview spaces, trained investigators, video statements, and shielding kids from the accused aren't imported gimmicks; they're natural outgrowths of the Shari'ah's protective spirit. This fits right in with today's reform thinkers, who see such child-friendly steps as vital for real justice, not just box-ticking⁹ (Anisa & Sari, 2024).

Third, the *maqasid* viewpoint bolsters the case for specialized institutional setups. Child sexual abuse causes so many levels of harm that scattered responses are insufficient for effective protection. Islamic legal thought supports the state's (wilayah) right to use flexible administrative tools that benefit the public. That means that dedicated child protection teams, streamlined prosecution paths, and connected social services are all examples of good governance. Studies on family law in action have already flagged how poor coordination and skimpy resources gut the protective punch of Islamic rules¹⁰ (Ismail & Hassan, 2023). A *maqasid*-driven reform model would thus put inter-agency collaboration and institutional muscle-building front and center as non-negotiable for living up to the Shari'ah.

Fourth, sentencing and accountability must match the profound harm done to children. Sexual offenses against minors don't just trample individual rights—they shake societal stability and moral foundations. Islamic jurisprudence has long allowed for tough *ta'zir* penalties, giving authorities room to scale punishments to the damage inflicted. Modern criminal law can thus embrace tougher sentences, mandatory oversight, and rehabilitation programs without straying from Islamic roots. In fact, strong enforcement becomes essential for upholding dignity and warding off future harm—both squarely in the *maqasid*'s wheelhouse.

Finally, the *maqasid*-based model emphasises that protecting children is a moral obligation shared by the entire community. The Shari'ah's objectives target collective welfare, not just lone individuals. This wide-angle view backs policies reaching far beyond courtrooms - like social services, counseling, family supports, and victim reintegration efforts. Comparative cases show that weaving Islamic normative thinking into public policy blends religious credibility with modern rights protections seamlessly¹¹ (Anuar & Abdullah, 2025). Far from clashing, the *maqasid* framework reveals Islamic law and contemporary child safeguards as natural allies.

Taken together, these pieces point to a simple truth: real child protection demands a full-spectrum legal setup, rooted in prevention, trauma-aware procedures, tight institutional teamwork, solid accountability, and strong social supports. Far from clashing with Islamic law, this kind of framework is precisely what it calls for. Framing reforms squarely in *maqasid* terms lets Muslim-majority states beef up both the moral weight and on-the-ground impact of their child safeguards. For the Maldives - where the constitution locks in Islam alongside modern statutes - this hits home: it equips policymakers to push forward-thinking protections without drifting from Islamic roots.

Child Protection Law in the Maldives: Context and Reform Imperatives

The Maldives provides a compelling example for implementing this *maqasid* framework. With Islam baked into its constitution but modern laws very much in play, the country straddles that tricky line between religious roots and today's governance realities. Child offense laws have multiplied lately, yet stubborn rollout snags make plain that paper prohibitions don't guarantee children are truly safe.

Even with these steps forward, doubts linger about how well current setups actually work. Public reports and official data point to a steady rise in child abuse cases, including sexual ones - proof that legal prohibitions alone aren't stemming the tide. The disconnect between statutes and street-level execution, as in many other places, continues

⁹ Anisa and Sari (n 3).

¹⁰ Ismail and Hassan (n 1).

¹¹ Anuar and Abdullah (n 5).

to impede progress. Investigations into these cases get messy and resource-hungry, demanding specialized know-how, cross-agency teamwork, and gentle handling of traumatized young victims. When those pieces fall short, delays and rough procedures can corrode both justice for offenders and safeguards for those hurt.

Institutional silos make fighting child sexual abuse that much harder. Effective safeguards depend on real coordination between police, prosecutors, courts, and social services. But day-to-day, mismatched priorities and red tape often block info flow and swift responses. Lacking that unity, children end up enduring multiple interviews, erratic support, or endless court delays, which only deepens their trauma. The Maldives isn't alone; these are the same breakdowns plaguing other Muslim-majority countries, where strong laws exist but lack the coordinated institutional backbone to make them work.¹²

Moreover, when Maldivian policymakers debate legal reforms, they often zero in on child protection's practical nuts and bolts - fine-tuning procedures or hiking penalties. Those changes have their place, no question, but they rarely dig into the deeper ethical underpinnings that make a case for decisive, forward-thinking action. Islamic principles are deeply ingrained in the nation's constitutional fabric and everyday moral life, making reforms that feel like outside imports or blatantly "modern" overhauls difficult to garner support. That's why rooting child protection in the Shari'ah's ethical heart carries such potent symbolic and practical force.

Here, the *maqasid al-shari'ah* framework laid out earlier fits especially well. By casting child protection as a built-in goal of Islamic law - tied to safeguarding life, dignity, lineage, and psychological wholeness - it flips reform from some foreign add-on into a true fulfillment of the state's religious and constitutional duties. Preventive steps, tailored procedures, and institutional teamwork then stand out as genuine carry-throughs of the Shari'ah's drive for welfare, not breaks from the past.

The Maldivian setting underscores the main point of this article: enhancing child protection requires more than simply enacting new laws. You need a solid normative anchor to guide how those laws are read, rolled out, and built into institutions. A *maqasid*-centered framework supplies just that - helping policymakers blend Islamic values with up-to-date child protection standards, while boosting both their punch and public buy-in. In that light, the Maldives emerges as a striking real-world example of how Islamic legal ideas can drive broad-gauged strategies to fight child sexual abuse.

Conclusion

The analysis above makes it clear: child sexual abuse demands more than post-harm criminal fixes. Through a *maqasid* lens, it strikes directly at the foundational interests Islamic law exists to protect. Child protection, then, isn't just allowable under the Shari'ah - it's unequivocally required.

This article demonstrates that child protection is fundamentally central to the objectives of the Shari'ah, drawing upon contemporary scholarship and classical *fiqh*. Sexual abuse against children hits preservation of life, dignity, lineage, and psychological wholeness all at once, breaching multiple essential *maqasid*. That makes safeguarding kids no optional policy - it's a binding legal and moral charge on the state. Islamic law thus calls for more than offender punishment: it insists on upfront prevention, seamless institutional collaboration, and victim-focused processes built to curb harm from the start.

By weaving together existing literature and *maqasid* theory, this study puts forward a reform-focused framework that reimagines child protection as a seamless system spanning prevention, trauma-aware processes, dedicated institutions, and strong accountability. Far from being outsider "modern" imports, these steps align fully with Islamic

¹² Ismail and Hassan (n 1).

legal principles. Rather than clashing with today's child rights standards, the Shari'ah's core objectives actually shore them up and provide them legitimacy.

Placing this framework in the Maldivian setting brings its real-world stakes into sharp focus. As a state where Islam holds constitutional primacy alongside growing statutory child protections, the Maldives stands ready to ground reforms in its religious and normative roots. Linking child protection to *maqasid* reasoning enhances their moral authority and practical effect, presenting change not as external imposition but as genuine adherence to Islam's imperatives for justice and welfare.

In the end, this article reframes how we view child protection in Muslim-majority societies. Instead of debating if Islamic law can "fit" modern safeguards, the real question is how the Shari'ah's ethical aims can lead and fortify them. Viewing child protection as a direct manifestation of *maqasid al-shari'ah* transforms the concept from mere compatibility to an absolute obligation. It insists that shielding children from sexual abuse isn't just legally smart – it's a religious and moral must. Going forward, reforms in the Maldives and like-minded places ought to weave *maqasid* principles right into lawmaking and institutional habits, keeping child safety at the heart of governance.

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