



RESEARCH ARTICLE

Protecting Children from Sexual Exploitation in the Indonesia–Malaysia Border Area: An Islamic Family Law Analysis from the Perspective of *Maqāṣid al-Sharī'ah*

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Abstract

The Sambas Regency, located along the Indonesia–Malaysia border, faces a heightened risk of child sexual exploitation due to cross-border mobility and socioeconomic vulnerabilities. This study examines child sexual exploitation in the Sambas border area from the perspective of Islamic family law and evaluates its implications using the framework of *maqāṣid al-sharī'ah*. Employing normative legal research with conceptual and *maqāṣid*-based approaches, this study analyzes primary, secondary, and tertiary legal sources using qualitative descriptive methods. The findings reveal that child sexual exploitation fundamentally violates the objectives of Islamic law, particularly *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-'aql* (protection of intellect), *ḥifẓ al-nasl* (protection of lineage), and *ḥifẓ al-'ird* (protection of dignity). Furthermore, it reflects the weaknesses in the family's functions of *wilāyah* and *ḥaḍānah* as mechanisms for child protection. The study concludes that safeguarding children from sexual exploitation constitutes a *sharī'* obligation that requires coordinated efforts among families, communities, and the state to strengthen child protection in border areas.

Keywords: *Child Sexual Exploitation, Islamic Family Law, Maqāṣid al-Sharī'ah, Borders.*

Abstrak

Kabupaten Sambas yang berada di kawasan perbatasan Indonesia–Malaysia menghadapi risiko yang tinggi terhadap eksploitasi seksual anak akibat mobilitas lintas batas serta berbagai kerentanan sosial-ekonomi. Penelitian ini bertujuan untuk menganalisis eksploitasi seksual anak di wilayah perbatasan Kabupaten Sambas dari perspektif hukum keluarga Islam serta mengevaluasinya berdasarkan kerangka *maqāṣid al-sharī'ah*. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan konseptual dan pendekatan *maqāṣid al-sharī'ah*. Data diperoleh melalui kajian terhadap bahan hukum primer, sekunder, dan tersier yang dianalisis secara deskriptif kualitatif. Hasil penelitian menunjukkan bahwa eksploitasi seksual terhadap anak merupakan pelanggaran mendasar terhadap tujuan syariat Islam, khususnya *ḥifẓ al-nafs* (perlindungan jiwa), *ḥifẓ al-'aql* (perlindungan akal), *ḥifẓ al-nasl* (perlindungan keturunan), dan *ḥifẓ al-'ird* (perlindungan kehormatan). Selain itu, praktik tersebut mencerminkan lemahnya pelaksanaan fungsi *wilāyah* dan *ḥaḍānah* dalam keluarga sebagai mekanisme perlindungan anak. Penelitian ini menyimpulkan bahwa perlindungan anak dari eksploitasi seksual merupakan kewajiban *syarī'* yang harus diwujudkan melalui sinergi antara keluarga, masyarakat, dan negara guna memperkuat sistem perlindungan anak di wilayah perbatasan.

Kata kunci: *Eksplorasi Seksual Anak, Hukum Keluarga Islam, Maqāṣid al-Sharī'ah, Perbatasan.*

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Introduction

Violence against children, particularly in the form of exploitation and sexual violence, is a serious problem that continues to increase significantly in various regions of Indonesia, including the West Kalimantan Province. The complexity of this problem is exacerbated in border regions with unique social, economic, and geographic characteristics. Sambas Regency, a border area between Indonesia and Malaysia, faces multidimensional challenges in child protection. Its strategic geographic location as a cross-border route, high population mobility, and weak social and legal controls make this region vulnerable to various forms of crime, including child sexual exploitation.

Data sourced from the Head of the Women's Empowerment and Child Protection Agency (DPPPA) of West Kalimantan Province, Herkulana, show that sexual violence is the most dominant form of violence against children, with 94 cases. In terms of age, most victims were in the 13–17 year range, with 90 children, followed by 6–12 year olds with 30 children, and children under 6 years old with 24 children (Adminkalbaronline, 2025). These data indicate that sexual violence does not only target adolescents but also early childhood adolescents who should receive maximum protection from their families and closest environments. This condition reflects a systemic failure in child protection at the family, community, and state levels.

Geographically, the Sambas Regency recorded the highest number of cases of violence against children in West Kalimantan. Of the total recorded cases, Sambas contributed 23 cases, followed by Ketapang and Bengkayang Regencies with 16 cases each, Kubu Raya with 15 cases, Mempawah with 12 cases, Landak with 11 cases, and Pontianak City with 9 cases. In the first half of 2025 alone, the number of cases of violence against children in West Kalimantan reached 122, with Sambas Regency recording the highest number (Adminkalbaronline, 2025). This high prevalence indicates that the Sambas border region has a higher level of vulnerability than other regions in West Kalimantan.

This increasing trend is reinforced by data from the Sambas Police, which show that between January 2025 and January 2026, at least 44 cases of sexual violence against children were handled by law enforcement. In 2023, 72 cases of violence against children and women were recorded, and from January to August 2024, the Sambas Police Criminal Investigation Unit handled 43 cases (Kartono, 2024). These data confirm that sexual violence against children is not an isolated incident but rather a recurring structural problem that has not been effectively addressed.

Various concrete cases revealed in 2025 further underscore the severity of this problem. One case that captured public attention was the rape of a 13-year-old female student by five perpetrators in May 2025 (Fahrozi, 2025). This case not only reflects the high level of sexual violence against

children but also demonstrates a weak social oversight system, low awareness of child protection in the community, and suboptimal prevention mechanisms that should be able to detect and stop acts of violence early on. This situation is further alarming with the revelation of the alleged sexual exploitation of a six-year-old child, allegedly involving her mother for material gain. According to the information provided by the Chairperson of Humanity Women, the case also points to the practice of recording and distributing indecent content involving children, thus demonstrating an organized form of exploitation that has serious impacts on the physical and psychological development and future of the victims. This phenomenon demonstrates the degradation of moral values and the failure of the family in fulfilling its role as the primary institution for the protection, care, and fulfillment of children's rights.

Furthermore, there is a significant gap between normative expectations and social reality. Ideally, families, from the perspective of Islamic family law, have the primary responsibility to care for, educate, and protect children through the implementation of the *wilāyah* and *ḥaḍānah* functions based on the principles of *maqāṣid al-sharī'ah*. The state has also provided various legal instruments for child protection, both through the Child Protection Law and other policies. However, in reality, cases of sexual exploitation still involve close family members as perpetrators. This condition indicates a gap between legal norms and religious values that require maximum protection for children with social practices that occur in the field. This gap is an important basis for this study to examine in depth how child sexual exploitation in the border area of Sambas Regency is viewed from the perspective of Islamic family law and the extent to which these practices conflict with the objectives of protection mandated by *maqāṣid al-sharī'ah*.

Tiwi, Head of the Indonesian Children's Association (HWCI) in Sambas Regency, expressed her concern about the slow process of handling these cases. Although official reports and initial data have been submitted to law enforcement officials, the alleged perpetrators have not been apprehended immediately. This situation raises serious concerns about the safety and psychological well-being of child victims and indicates gaps in the law enforcement and child protection system in border areas (Tiwi, 2025). The concepts of *wilāyah* and *ḥaḍānah* emphasize the full responsibility of families for the physical, mental, and moral safety of their children (Jannah & Bahroin, 2025). The high rate of sexual exploitation of children in Sambas Regency cannot be separated from interrelated causal factors, such as structural poverty, high cross-border mobility, weak family supervision, low parental education levels, and minimal understanding of children's rights. From the perspective of Islamic family law, this condition is a serious problem because children are seen as trustworthy and must be guarded and protected.

Furthermore, the sexual exploitation of children is a fundamental violation of the principles of *maqāṣid al-sharīʿah*, specifically the protection of life, the mind, offspring, and honor. Therefore, this phenomenon requires a comprehensive academic study to formulate a child protection approach based on Islamic family law, particularly in the context of border areas with high social vulnerability.

Literature Review

The following are previous studies related to the topic of child sexual abuse, family law in Islam, and the *maqāṣid al-sharīʿah*. Although not all of them are exactly the same as in this study, they all have a strong connection to child protection from the perspective of Islamic law and *maqāṣid al-sharīʿah*, which can serve as theoretical references and comparisons. The first study was conducted by Herawatiwho (Herawati, Pancasilawati, & Rahmi, 2023). Protection of children who are victims of sexual violence with a *maqāṣid al-sharīʿah* approach and applicable laws. The difference in research is the basic theory of *maqāṣid* relating to the sexual exploitation and abuse of children. Furthermore, according to Asman (2025), xploring how family resilience can help prevent child sexual exploitation and indecent treatment by combining the values of *maqāṣid al-sharīʿah*. The difference in this research is that it emphasizes child protection from the perspective of Islamic family law and *maqāṣid al-sharīʿah* and is in line with the research objectives that emphasize the role of the family as the primary protection unit. Furthermore, according to Dody, Wahono Suryo Natural explained that (Wahono & Zairi Bondowoso, 2024).

This research emphasizes the incorporation of *maqāṣid al-sharīʿah* into modern Islamic family law related to child protection. The difference in this research is that the function of *the maqāṣid al-sharīʿah* can be used to strengthen the *maqāṣid* framework in this study. Furthermore, according to Juliansyahzen, he explained that (Juliansyahzen & Ocktoherrinsyah, 2022). It provides a comprehensive overview of various aspects of the Sharia Law. This study aimed to evaluate the extent to which Sharia principles comply with applicable legal regulations in protecting victims, including protection against the sins of the soul, reason, *nasl*, and birds. Murdiana explained that (Murdiana, Ibrahim, Masrurroh, & Jha, 2025).

The main difference between the research on the application of the *maqāṣid al-sharīʿah* principle in criminal law in Indonesia to improve the protection of victims of sexual violence and this research lies in the focus of the study, the research object, and the analytical approach. Previous research focused on the national criminal law system and efforts to strengthen the protection of victims of sexual violence through the integration of the *maqāṣid al-sharīʿah* principle in policy and law enforcement. Meanwhile, this research

specifically examines the sexual exploitation of children in the border area of Sambas Regency from the perspective of Islamic family law. This research emphasizes the role of the family, the concepts of *wilāyah* and *ḥaḍānah*, as well as violations of the aspects of *hifẓ al-nafs*, *hifẓ al-‘aql*, *hifẓ al-nasl*, and *hifẓ al-‘ird* as the basis for child protection.

Method

This study uses a qualitative literature research method reinforced with a normative-empirical approach to analyze child sexual exploitation in the Indonesia-Malaysia border region of Sambas Regency. A normative approach was used to examine the norms, principles, and concepts of Islamic family law related to child protection, while a normative-empirical approach was used to understand the social reality and practices of child sexual exploitation that occur in border communities. This research uses the *maqāṣid al-sharī‘ah* approach as the main analytical tool to assess violations of the objectives of the Shari'a, especially *hifẓ al-nafs* (protection of the soul), *hifẓ al-‘aql* (protection of the mind), *hifẓ al-nasl* (protection of descendants), and *hifẓ al-‘ird* (protection of honor). In addition, a conceptual approach to Islamic family law was used to examine the concepts of *wilāyah* and *ḥaḍānah* as instruments for child protection within the family, as well as a sociological approach to understand the social factors influencing child sexual exploitation in border areas.

The research data consisted of both primary and secondary data. Primary data were obtained through the documentation of child sexual exploitation cases, while secondary data came from the Qur'an, Hadith, Islamic jurisprudence (*fiqh*), laws and regulations, books, and relevant scientific articles. Data were collected through documentation and literature review and then analyzed qualitatively and descriptively using deductive reasoning based on the perspective of *maqāṣid al-sharī‘ah*.

Result

Overview of Child Sexual Exploitation in the Sambas Border Area

Protecting children from sexual exploitation in the Indonesia-Malaysia border region of the Sambas Regency is a shared responsibility between the family as the primary institution and the state as the holder of legal authority and public policy. From the perspective of Islamic family law, the family holds a central position in ensuring the safety, honor, and well-being of children (Nasution and Nasution, 2021). Parents and guardians have an inherent Sharia obligation to protect children from all forms of violence and exploitation (Harry, Saifullah, Jundiani, & Fajarani, 2024). This obligation is rooted in the principle of trustworthiness affirmed in the Qur'an, particularly Surah al-Tahrīm, verse 6, which commands every believer to protect themselves and

their families from destruction. Therefore, parental negligence in carrying out their care and supervision functions, let alone direct involvement in the practice of child sexual exploitation, constitutes a serious violation of Sharia obligations and Islamic family law principles.

Within the framework of Islamic family law, the responsibilities of parents and guardians are realized through the implementation of *wilāyah* and *ḥaḍānah*. *Wilāyah* requires supervision, protection, and decision-making oriented towards the child's best interests, including protecting children from harmful environments. Meanwhile, *ḥaḍānah* emphasizes the obligation of care, which includes meeting the child's physical, psychological, and moral needs. In border areas with high levels of social vulnerability, the role of parents is becoming increasingly crucial (Al-Yagon et al., 2023). Weak family control, low legal awareness, and economic pressures often result in suboptimal functioning of *wilāyah* and *ḥaḍānah*, leaving children highly vulnerable to sexual exploitation. Therefore, strengthening the role of the family based on Islamic legal values is an urgent need for preventive efforts.

However, the state has a constitutional and legal responsibility to ensure child protection, especially in border areas that are prone to cross-border crimes. The state's role is realized through the formation and enforcement of laws, provision of protection services, and strengthening of institutions focused on women's empowerment and child protection (Kholid, Safe'i, Jaenudin, Hidayat, & Isak, 2025). Law enforcement officials, such as police and prosecutors, are obligated to take firm action against perpetrators of child sexual exploitation and ensure that the legal process is swift and just (Saputra & A'la Salna, 2025). In addition, child protection institutions, both governmental and non-governmental, play a strategic role in assisting victims, providing psychological recovery, and advocating for children's rights. In the Sambas border region, the effectiveness of the state's role is crucial to the success of child protection efforts, given the social and geographical complexities faced by the region.

The synergy between the principles of Islamic law and national law is key to building a comprehensive and sustainable child protection system. The principles of Islamic law provide a foundation for values and morals that emphasize the protection of a child's life, mind, offspring, and honor as the primary objective of Islamic law. National law provides a normative and institutional framework that regulates sanctions, enforcement mechanisms, and legal protection for victims. The integration of these two approaches enables the development of child protection policies and practices that are not only legally formal but also rooted in the values of justice and welfare.

In the context of border areas, this synergy must be realized through collaboration between families, communities, and the state. The state needs to encourage the strengthening of family resilience through education on

Islamic family law, improving economic welfare, and empowering communities based on religious values. At the same time, families must recognize that child protection is not merely a social obligation but also a sharia-compliant responsibility that will be accounted for morally and spiritually. Therefore, preventing and addressing the sexual exploitation of children in the Sambas border area can only be effective if there is a shared commitment between families and the state, grounded in the principles of *maqāṣid al-sharī'ah* and national law, for the benefit of children and the sustainability of future generations.

The following table presents the distribution of data on violence against children in West Kalimantan compiled for scientific journal articles, including the type of violence, age group of victims, regional distribution, and time trends based on police data and case recapitulation.

Table 1. Distribution of data on violence against children in West Kalimantan

No	Classification	Variable	Number of Cases
1	Types of Violence	Sexual Violence	94
2	Age of the Victim	13-17 Years	90
3	Age of the Victim	6-12 Years	30
4	Age of the Victim	Under 6 Years	24
5	Regional Distribution	Sambas Regency	23
6	Time Trend	January 2025-January 2026 (Sambas Police)	44
7	Time Trend	2023 (Children and Girls)	72
8	Time Trend	January-August 2024 (Sambas Police)	43

Source: Recapitulation of police data and reports on handling cases of violence against children in West Kalimantan (processed by the author).

Based on table 3, data on violence against children in the Sambas Regency show that sexual violence is the most prevalent form of violence. Ninety-four cases of sexual violence against children were recorded during the observational period. In terms of age, the 13–17 age group was the most vulnerable, with 90 victims. Meanwhile, 30 victims were recorded in the 6–12 age group, and 24 were children under 6. These data demonstrate that sexual exploitation and violence threaten not only adolescents but also elementary school-aged children and even toddlers. Based on the regional distribution, Sambas Regency recorded 23 cases identified in the West Kalimantan regional data. However, when viewed over time, the number of cases in Sambas Regency showed a worrying increase. Data from the Sambas Resort Police recorded 43 cases in the January–August 2024 period, which then

increased to 44 cases in the January 2025–January 2026 period. Furthermore, data from 2023 show 72 cases involving children and women as victims of violence. This shows that sexual violence against children is still a serious problem that continues to occur in the Indonesia-Malaysia border region.

The data show that sexual violence is a major threat to child protection in Sambas Regency. The predominant number of sexual violence cases (94) indicates that children, especially girls, are highly vulnerable to various forms of sexual exploitation and abuse. This high rate can be attributed to various factors, such as weak family supervision, the influence of digital media, poverty, low legal literacy, and the geographical conditions of border areas, which facilitate the mobility of perpetrators and increase the risk of human trafficking and sexual exploitation.

In terms of victim age, the 13–17 age group, which accounted for 90 victims, indicates that adolescence is the most vulnerable period. At this age, children experience rapid physical, psychological, and social development, making them more susceptible to manipulation, seduction, and exploitation through social media. However, the discovery of 30 victims aged 6–12 and 24 victims under the age of 6 indicates that perpetrators target not only adolescents but also children who are psychologically unable to protect themselves. This highlights the high level of vulnerability of children and the need for a more comprehensive protection system.

From the perspective of Islamic family law, the high rate of sexual violence against children reflects the suboptimal function of the family in fulfilling the roles of *ḥaḍānah* (nurturing) and *wilāyah* (protection). Parents have the primary responsibility to safeguard their children's safety, honor, and development, as affirmed in Surah At-Tahrim, verse 6 of the Quran, which commands every believer to protect themselves and their families from harm. Therefore, the increase in sexual violence cases can be understood as an indication of weaknesses in the systems of supervision, moral education, and family protection.

From the perspective of the *maqāṣid al-sharī'ah* (obligatory principles of sharia), sexual violence against children constitutes a serious violation of the objectives of sharia. This action damages the protection of the soul (*hifẓ al-nafs*) because it threatens the physical and mental safety of the victim, violates the protection of the mind (*hifẓ al-'aql*) because it causes prolonged psychological trauma, damages the protection of offspring (*hifẓ al-nasl*) because it threatens the future of the generation, and injures the protection of honor (*hifẓ al-'ird*) which is one of the fundamental values in Islam. Thus, the high rate of sexual violence against children in the Sambas Regency is not only a criminal and social law issue, but also a violation of the basic principles of human protection in Islamic law, which requires the integrated involvement

of the family, society, and the state to carry out effective prevention and handling.

The novelty of this study lies in its analytical construction, which combines Islamic family law based on *the principles of Sharia* with the issue of child sexual exploitation, which has been predominantly studied from the perspective of criminal law, criminology, or general child protection. This study theoretically broadens the scope of Islamic family law studies by positioning child sexual exploitation as a fundamental issue within the family sphere, particularly related to the failure of the child's care and protection functions. Thus, this article positions children not only as victims of criminal acts but also as subjects of trust whose rights must be protected through the mechanisms of *wilāyah* and *ḥaḍānah* in the Muslim family structure.

The next novelty lies in the study's focus on the Indonesia-Malaysia border region, specifically the Sambas Regency, which has distinct social, economic, and legal characteristics compared with non-border areas. Cross-border mobility, weak social control, and limited access to child protection services render this region vulnerable to sexual exploitation of children. Using the border region as the research locus, this study provides empirical and contextual contributions that have been limited in the Islamic family law literature, particularly regarding child protection issues in border areas.

Furthermore, the novelty of this study lies in its affirmation of the concept of the dysfunctional family domain and the family domain as primary factors contributing to CSE. This research demonstrates that CSE practices are not solely caused by external factors, such as poverty or weak law enforcement, but are also rooted in the family's internal failure to fulfil its Sharia responsibilities towards children. By placing family dysfunction as a central issue, this article offers a new perspective that emphasizes the importance of revitalizing the role of the family based on *maqāṣid al-sharī'ah* as a preventive and corrective strategy for child protection in border regions.

Discussion

Child Sexual Exploitation in the Sambas Border Area

Sexual exploitation of children in the Indonesia-Malaysia border region of the Sambas Regency shows a worrying and systemic pattern. Data presented by the Head of the Women's Empowerment and Child Protection Agency (DPPPA) of West Kalimantan Province, Herkulana, revealed that of all recorded cases of violence against children, sexual violence was the most dominant form, with a total of 94 cases. Based on age groups, most victims were in the 13–17 year old range (90), followed by children aged 6–12 (30), and children under 6 years (24) (Adminkalbaronline, 2025). These findings indicate that sexual exploitation targets not only adolescents but also early childhood children, who should be under the full protection of their families.

Geographically, Sambas Regency had the highest number of cases of violence against children in West Kalimantan, with 23 cases, surpassing other regencies and cities such as Ketapang and Bengkayang, with 16 cases each, Kubu Raya with 15 cases, Mempawah with 12 cases, Landak with 11 cases, and Pontianak City with 9 cases. In the January-June 2025 period, the number of cases of violence against children in West Kalimantan reached 122, with Sambas Regency ranking highest. (Adminkalbaronline, 2025) . This condition confirms that the Sambas border region has a greater level of vulnerability than non-border areas. Sambas Police data also support this finding, recording at least 44 cases of sexual violence against children handled between January 2025 and January 2026 (Kartono, 2024).

Patterns of child sexual exploitation in Sambas encompass various forms, ranging from molestation and rape to economically motivated sexual exploitation. One striking case involved the rape of a 13-year-old female student by five perpetrators in May 2025 (Fahrozi, 2025). This reflects the weakness of social control and environmental oversight in border regions. Even more concerning is the alleged sexual exploitation of a child by the victim's mother, in which a six-year-old girl was allegedly sexually exploited for material gain. These allegations have led to the practice of recording and distributing immoral content exploited by certain parties.

The factors causing sexual exploitation of children in the Sambas border region cannot be separated from the unique characteristics of border areas. High cross-border mobility opens up opportunities for cross-border crime, whereas weak legal control and family supervision increase the risk of children becoming victims (Biatila Elsa Duey Repali, 2024). Structural poverty, low educational levels, and weak family caregiving functions exacerbate these conditions (Bacha, 2024). In many cases, children are positioned as objects of exploitation, even by those closest to them who are their primary protectors.

This study aligns with previous studies showing that sexual violence against children in Indonesia is influenced by family and economic factors and poor social oversight. However, this study broadens this perspective by incorporating an analysis based on the principles of *maqāṣid al-sharī'ah*, which places child protection as the primary objective of Islamic law. Unlike studies that focus on sociological and positive legal approaches, this research emphasizes that child sexual exploitation is not only a violation of state law but also violates the principles of *hifẓ al-naḥs*, *hifẓ al-'aql*, *hifẓ al-nasl*, and *hifẓ al-'ird*. Furthermore, while previous studies have largely discussed child violence in urban or national contexts, this study specifically highlights the vulnerability of the Indonesia-Malaysia border region, which has complex social and security characteristics. Therefore, this research strengthens and expands on previous studies by offering an integrative perspective between Islamic family law and child protection studies in border areas.

The impact of sexual exploitation on children is multidimensional, encompassing physical damage, psychological trauma, impaired mental development, and loss of a child's sense of security and dignity. Furthermore, the slow legal process, as noted by Tiwi, Chairperson of Humanity Women and Children Indonesia (HWCi) Sambas Regency, discussed previously in the background of this research, further worsens the victims' conditions and raises concerns about the children's safety and psychological well-being. Thus, the depiction of child sexual exploitation in the Sambas border region demonstrates a serious problem that requires comprehensive attention from the perspectives of both positive law and Islamic family law.

Position and Protection of Children in Islamic Family Law

From the perspective of Islamic family law, children occupy a fundamental position as trusts that must be guarded and protected by their parents and guardians. The Qur'an explicitly affirms this obligation in Surah al-Tahrīm, verse 6, which commands every believer to protect themselves and their families from things that could lead to destruction (Sebriyani, 2023). This verse contains the normative meaning that parents have a Sharia responsibility to ensure the safety, well-being, and future of their children, both physically, psychologically, and morally. Thus, children are not merely part of the family structure, but rather legal subjects with rights that must be fulfilled, and their survival guaranteed.

Islamic family law comprehensively regulates the rights of children inherent in birth, even from the time they are born. These rights include the right to protection from all forms of violence and exploitation, the right to proper care, and the right to an adequate education. Child protection in Islam is not only defined as protection from physical harm but also encompasses the protection of a child's honor and dignity as a human being (Muhammad et al., 2025). Any form of violence, including sexual exploitation, is seen as a serious violation of the fundamental values of Sharia, as it undermines a child's integrity and future. Therefore, Islamic family law places the fulfillment of children's rights as the primary obligation of parents and guardians, which cannot be diverted or neglected for any reason.

In the context of parenting, Islamic family law recognizes the concept of *ḥaḍānah*, namely, the obligation to care for, nurture, and educate children so that they grow and develop optimally. *Ḥaḍānah* includes fulfilling children's basic needs, such as affection, attention, education, and moral development (Ilyasa, Rahardja, & Sumarna, 2025). Good parenting is a primary instrument for preventing children from various forms of deviation and crime, including sexual exploitation. If the function of *ḥaḍānah* is not carried out optimally, children will be vulnerable and easily become victims of violence, both in their immediate environment and from outside parties.

In addition to *ḥaḍānah*, Islamic family law also emphasizes the concept of *wilāyah*, namely, the authority and responsibility of parents or guardians in protecting the interests of children, including legal, social, and moral aspects. *Wilāyah* contains dimensions of protection and supervision inherent in the role of parents; therefore, any negligence in carrying out *wilāyah* can be seen as a violation of Sharia obligations (Yasin, Abdul Rahman, Ab. Ghani, & Belal, 2024). In the context of child sexual exploitation, failure to carry out *wilāyah* and *ḥaḍānah* indicates family dysfunction, which directly implies a violation of children's rights. Therefore, Islamic family law emphasizes that child protection is an absolute collective responsibility of the family as part of efforts to realize the goals of Sharia and safeguard the welfare of future generations.

***Maqāṣid al-Sharī'ah* Analysis of Child Sexual Exploitation**

The sexual exploitation of children is a crime that not only violates positive law but also fundamentally contradicts the principles of *maqāṣid al-sharī'ah*, which is the main aim of establishing Islamic law. *Maqāṣid al-sharī'ah* aims to create benefits and prevent damage (*jalb al-maṣāliḥ wa dar' al-mafāsīd*) by protecting the basic elements of human life, namely religion, soul, reason, heredity, and honor (Umami & Ghofur, 2022). In the context of Islamic family law, the sexual exploitation of children reflects serious violations of several *maqāṣid darūriyyah*, especially *hifẓ al-naḥs*, *hifẓ al-'aql*, *hifẓ al-nas*, and *hifẓ al-'ird*, all of which are directly related to the existence and future of children as legal subjects (Juliansyahzen & Ocktoberinsyah, 2022).

First, the sexual exploitation of children is a clear violation of the *hifẓ al-Naḥs* principle, which protects the human body and souls. Children, or individuals who have not yet attained physical or psychological maturity, are highly vulnerable to sexual violence. (Joleby, Landström, Lunde, & Jonsson, 2021). Sexual exploitation causes physical suffering, injury, reproductive health disorders, and the risk of infectious diseases that can threaten children's lives (Greenbaum et al., 2023). In addition to its physical impact, sexual exploitation also causes profound psychological impacts, such as prolonged trauma, fear, depression, and post-traumatic stress disorder. From the perspective of the *maqāṣid al-sharī'ah*, any form of action that endangers a child's physical and psychological safety is seen as *mafsadah* (obligatory action), which must be prevented. Therefore, the sexual exploitation of children strictly contradicts the objectives of sharia in protecting human life and safety, especially children as the next generation.

Second, the sexual exploitation of children violates the principle of *hifẓ al-'aql*, which is the protection of human reason and thinking abilities. The psychological trauma experienced by child victims of sexual exploitation directly affects the development of their reason, emotions, and personality. Children who experience sexual violence often experience concentration problems, decreased academic performance, and difficulty in developing

intellectual potential. (Herring, 2023). In the long term, trauma can hinder a child's ability to function optimally in their social and educational life. *Hifz al-'aql* in the *maqāṣid al-sharī'ah* is not only related to the prohibition of things that damage the mind, such as alcohol, but also includes the obligation to maintain an environment that is conducive to the intellectual and mental development of children (Mera, Marzuki, Taufan B., Sapruddin, & Cahyani, 2024). Thus, the sexual exploitation of children is a form of damage to the mind that is contrary to the goal of sharia to produce a mentally and intellectually healthy generation.

Third, the sexual exploitation of children is a serious violation of the principle of *hifz al-nasl*, that is, the protection of offspring and the continuity of generations. In Islamic law, the honor of offspring is maintained through strict rules regarding marriage, sexual relations, and the prohibition of adultery (Anfasa and Ja'far, 2024). The sexual exploitation of children damages their self-respect and threatens the future of their offspring, both biologically and socially. The risk of pregnancy at a young age, social stigma, and damage to a child's educational and social future are the real impacts of violating *hifz al-nasl* (Erwansyah, Adly, & Yazid, 2025). Furthermore, child sexual exploitation can create a recurring cycle of violence, potentially making it difficult for victims to build healthy family lives. From the perspective of *maqāṣid al-sharī'ah* (obligatory principles of Islamic law), any action that harms honor and the continuation of offspring is seen as a violation of the most fundamental objectives of sharia.

Fourth, the sexual exploitation of children directly violates the principle of *hifz al-'ird*, which is the protection of human dignity and honor. As human beings with dignity and worth, children must be respected and protected from all forms of harassment and insults (Wardana, Sukiati, & Zahara, 2024). Sexual exploitation not only robs a child of their right to their body and future, but also demeans their dignity as human beings. In the context of Islamic family law, a child's honor must be protected by parents and guardians as a form of moral and sharial responsibility (Siti Nurjanah et al., 2025). When sexual exploitation occurs within the family environment or is carried out by someone close to them, the violation of *hifz al-'ird* becomes even more serious because it denies the trust given by Allah SWT to parents and guardians.

Thus, the analysis of *maqāṣid al-sharī'ah* shows that the sexual exploitation of children is a multidimensional violation of the basic objectives of Islamic law. Violations of *hifz al-nafs*, *hifz al-'aql*, *hifz al-nasl*, and *hifz al-'ird* indicate that sexual exploitation of children is not merely a criminal issue, but also a moral, social, and religious issue that requires comprehensive handling. Therefore, within the framework of Islamic family law, preventing and addressing the sexual exploitation of children must be seen as an urgent

sharia obligation to safeguard the welfare of children and the sustainability of future generations.

Conclusion

This research confirms that child sexual exploitation in the Indonesia-Malaysia border region, particularly in the Sambas Regency, is a phenomenon that fundamentally contradicts the principles of *maqāṣid al-sharī'ah* in Islamic family law. This practice not only violates positive legal provisions and social norms, but also undermines the primary objectives of sharia, which include protecting life (*hifẓ al-nafs*), intellect (*hifẓ al-'aql*), offspring (*hifẓ al-nasl*), and honor (*hifẓ al-'ird*). Children's vulnerability in border regions is influenced by cross-border mobility, weak family control, and limited social and institutional oversight.

From a legal perspective, child protection is a dual obligation: a Sharia obligation under Islamic family law and a constitutional obligation under the national legal system. Parents and guardians have the responsibility, through their *wilāyah* and *ḥaḍānah* functions, to ensure the comprehensive protection of children, while the state is obligated to provide an effective system of protection, law enforcement, and rehabilitation services. Failure to fulfill these responsibilities results in violations of children's rights and hinders the achievement of Sharia's objectives in realizing public welfare.

This study contributes in three main ways. First, theoretically, it enriches the study of *maqāṣid al-sharī'ah* by applying it to the contemporary issue of child sexual exploitation in border regions. Second, this study emphasizes the integration of Islamic family law and national law within the framework of child protection. Third, contextually, this study presents a specific perspective on the vulnerability of the Indonesia-Malaysia border region, which has not been discussed in depth in previous Islamic law studies.

This study has several limitations. First, the approach used is still dominated by normative legal research; thus, it does not fully describe the empirical experiences of victims. Second, the limited integrated field data across sectors means that the analysis of social and economic factors is descriptive. Third, this study did not conduct direct comparisons with child protection policies in other countries' border regions, thus limiting the scope of the international analysis.

Further research should conduct more comprehensive empirical studies using sociological or anthropological approaches to explore victims' experiences and social dynamics in greater depth. Furthermore, cross-border comparative research between Indonesia and Malaysia is required to holistically understand the child protection models in border areas. Further studies could also develop a model for child protection policies based on the

principles of Sharia that are integrated with the national legal system, resulting in a more preventive, adaptive, and sustainable approach.

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Author Contribution Statement

AS solely conceived and designed the study, developed the research methodology, collected and analyzed the data, interpreted the findings, prepared the original manuscript, revised the article critically for important intellectual content, and approved the final version of the manuscript for publication. As the sole author, AS is responsible for all aspects of the research and the integrity of the published work.

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