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## The Victim's Best Interest Principle in Islamic Law: An Examination of the Substance of Sexual Violence in Muslim Majority Countries in the Contemporary Era

**Abstract:** This article examines the extent to which the principle of the best interests of victims is accommodated within the legal frameworks for protecting victims of sexual violence in Muslim-majority countries. It critically explores the normative and practical gap between Islamic legal principles—particularly the protection of life (*ḥifẓ al-nafs*) and honor (*ḥifẓ al-ird*)—and the operation of positive law in Indonesia, Malaysia, and Egypt. The central questions addressed are how victim protection is conceptualized and regulated within the legal systems of these three countries, and whether the best interests of victims have been established as the primary normative and policy orientation. This study employs a normative juridical method, utilizing comparative and conceptual approaches, and analyzes statutory regulations, legal doctrines, court decisions, and relevant academic literature. The findings reveal that, despite recent legal reforms, existing regulatory frameworks remain predominantly perpetrator-oriented. Victim protection is often treated as supplementary rather than foundational, resulting in limited access to justice, insufficient recovery mechanisms, and weak institutional responsiveness to victims' needs. Building on a *Maqāṣid al-Sharī'ah* perspective, this article proposes a legal reconstruction that re-centers the protection of victims as a core objective of Islamic and national legal systems. It argues that the principle of the best interests of victims is not only compatible with Islamic law but is inherently embedded within its ethical and purposive framework. Accordingly, the study recommends strengthening substantive legal norms, procedural safeguards, institutional coordination, and legal culture to ensure holistic and equitable victim protection. The academic contribution of this article lies in its integration of *Maqāṣid al-Sharī'ah* with comparative victimology, offering a normative framework that bridges Islamic legal theory and contemporary human rights discourse. It advances the discussion on victim-centered justice by providing a contextualized Islamic legal justification for prioritizing victims' interests within modern legal systems.

**Keywords:** Best Interest of the Victim, *Maqāṣid al-Sharī'ah*, Sexual Violence.

## INTRODUCTION

Sexual violence constitutes a pervasive global humanitarian issue, with consistently high prevalence reported across diverse regions. According to data from the United Nations and international human rights organizations, as cited in the IJSR research report<sup>1</sup> by Rhaniya Silmi et al., nearly one in three women worldwide has faced physical or sexual violence. This shows that women in many countries, including those with Muslim-majority populations, are at risk. Sexual violence takes many forms and can happen in private or public spaces, with prevalence rates differing by region.<sup>2</sup> For instance, in Iran, 81.5% of women have faced sexual violence, while in Turkey, the figure is 74.6%. These numbers highlight the significant risk women face in these areas.<sup>3</sup> In contrast, countries like Palestine, Saudi Arabia, and Tunisia have lower rates (below 20%).<sup>4</sup>

In Malaysia, more than 11,199 cases of sexual violence were recorded during 2022-2023, with most victims being women and children, especially in domestic settings and educational institutions.<sup>5</sup> In response to the increasing number of reported cases of harassment in public and workspaces, the new Anti-Sexual Harassment Act 2022 came into full effect in March 2024. A similar concern is seen in Egypt, where about 15.1% of women aged 15-49 experience physical or sexual violence from an intimate partner, and an

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<sup>1</sup> Maria Isabel Tarigan et al., *Pengaturan Terkait Kekerasan Seksual Dan Akomadasinya Terhadap Peraturan Perundang-Undangan Di Indonesia* (Jakarta, 2022).

<sup>2</sup> Romina Istratii and Parveen Ali, 'A Scoping Review on the Role of Religion in the Experience of IPV and Faith-Based Responses in Community and Counseling Settings', *Journal of Psychology and Theology* 51, no. 2 (June 2023): 141-173, <https://doi.org/10.1177/00916471221143440>.

<sup>3</sup> Sezer Kisa, Rusan Gungor, and Adnan Kisa, 'Domestic Violence Against Women in North African and Middle Eastern Countries: A Scoping Review', *Trauma, Violence, & Abuse* 24, no. 2 (April 2023): 549-575, <https://doi.org/10.1177/15248380211036070>.

<sup>4</sup> Mara Redlich Revkin and Elisabeth Jean Wood, 'The Islamic State's Pattern of Sexual Violence: Ideology and Institutions, Policies and Practices', *Journal of Global Security Studies* 6, no. 2 (March 2021), <https://doi.org/10.1093/jogss/ogaa038>.

<sup>5</sup> Lutfiana Mayasari Evi Mufiah, Istiadah Istiadah, Anis Afifah, Elfa Murdiana, *The Dynamics of Sexual Violence Prevention in Malaysia and Indonesia* (Malang, 2023).

estimated 7.8 million women experience various forms of violence each year. However, many are reluctant to report due to fear and a lack of trust in the justice system.<sup>67</sup>

In Indonesia, sexual violence remains the most prevalent form of violence against women and children. According to CATAHU 2024, more than 20,000 cases of sexual violence were recorded, encompassing incidents involving intimate partners as well as direct reports to the National Commission for Women (Komnas Perempuan).<sup>8</sup> Data from the Ministry of Women's Empowerment and Child Protection (KemenPPPA) indicates a rise in sexual violence against girls aged 13–17, with prevalence increasing from 8.43% in 2021 to 8.82% in 2024.<sup>9</sup> By mid-2025, 13,600 cases of violence had been documented, including 11,692 female victims, of whom 4,626 experienced sexual violence. These statistics are exacerbated by prevailing social and cultural conditions that perpetuate stigma, often discouraging victims from reporting such incidents. Moreover, factors such as heightened surveillance and racialization experienced by Muslim women further complicate the issue and diminish the likelihood of victims receiving adequate protection.<sup>10</sup> Consequently, comprehensive research initiatives and robust policy interventions are required to address and prevent sexual violence in this Muslim-majority context effectively.<sup>11</sup>

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<sup>6</sup> William T. O'Donohue, 'Reporting Sexual Assault: Process and Barriers Victims Experience', in *Handbook of Sexual Assault and Sexual Assault Prevention* (Cham: Springer International Publishing, 2019), 591–608, [https://doi.org/10.1007/978-3-030-23645-8\\_35](https://doi.org/10.1007/978-3-030-23645-8_35).

<sup>7</sup> Sophie Stewart et al., "I Thought I'm Better off Just Trying to Put This behind Me" – a Contemporary Approach to Understanding Why Women Decide Not to Report Sexual Violence', *The Journal of Forensic Psychiatry & Psychology* 35, no. 1 (January 2024): 85–101, <https://doi.org/10.1080/14789949.2023.2292103>.

<sup>8</sup> Komnas Perempuan, 'Ringkasan Eksekutif 'Menata Data, Menajamkan Arah: Refleksi Pendokumentasian Dan Tren Kasus Kekerasan Terhadap Perempuan 2024'', Publikasi Ringkasan Data Komnas, 2024, [https://komnasperempuan.go.id/download-file/1316?utm\\_source=](https://komnasperempuan.go.id/download-file/1316?utm_source=).

<sup>9</sup> Joko Susanto, "Data Kementerian PPPA: Kekerasan Anak Capai 28.831 Kasus Pada 2024," NU Online, 2024.

<sup>10</sup> Ernawati Suwarno, 'Problematisasi Hak Dan Martabat Perempuan Antara Regulasi Dan Peristiwa', *Pamulang Law Review* 5, no. 1 (August 2022): 95, <https://doi.org/10.32493/palrev.v5i1.23613>.

<sup>11</sup> Tatiana Elghossain et al., 'Prevalence of Intimate Partner Violence against Women in the Arab World: A Systematic Review', *BMC International Health and Human Rights* 19, no. 1 (December 2019): 29, <https://doi.org/10.1186/s12914-019-0215-5>.

Despite the alarming prevalence of sexual violence in many Muslim-majority countries, Islamic law normatively prioritizes the protection of honor and life as fundamental objectives, as articulated in the *maqāṣid al-sharīʿah*, particularly through the principles of *ḥifẓ al-ʿird* (protection of honor) and *ḥifẓ al-nafs* (protection of life). Sexual violence is regarded as both a grave sin and a serious criminal offense that undermines individual sanctity. Therefore, a robust normative framework within Islamic law for its prevention is vital. Nevertheless, a significant gap persists between these normative ideals and actual practice. This gap represents a disparity shaped by conservative religious interpretations, entrenched patriarchal structures, and deficiencies in positive legal systems. Within this context, the principle of the best interests of the victim is paramount, as protection must extend beyond mere criminalization of perpetrators to ensure the fulfillment of victims' rights to security, justice, and recovery. Therefore, integrating *maqāṣid al-sharīʿah* values into contemporary legal reform is essential for constructing a comprehensive and equitable protection system that centers victims within legal and policy frameworks.

Empirical and policy studies across Muslim-majority countries reveal significant and multifaceted challenges in protecting women from sexual violence. The main challenges lie in the effectiveness of prevention strategies, the adequacy of handling procedures, and institutional barriers to implementation. For example, research on victim protection during the pandemic in Surakarta shows that formal legal instruments alone are insufficient without local resources, infrastructure, and responsiveness to victims' needs.<sup>12</sup> Studies in Indonesian cities find that while legal frameworks exist, their local enforcement is often weakened by patriarchal cultural norms and restricted victim support services. In Malaysia, criticisms of the 2021 Anti-Sexual Harassment Regulation focus on its limited definitions,

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<sup>12</sup> Baharuddin Badaru, Rosmiati Rosmiati, and Hambai Thalib, 'Legal Protection for Women Victims of Sexual Violence in the City of Makassar', *Jurnal Ilmiah Global Education* 4, no. 4 (2023): 2737-2747, <https://doi.org/10.55681/jige.v4i4.1430>.

leaving victims inadequately protected. Zaiton Hamin also discussed this problem.<sup>13 14 15 16</sup>

In Egypt, the fear of social stigma or reprisal frequently discourages women from reporting sexual violence, which further perpetuates silence. Fatma Mohamed Hassan's research highlights that gender disparities, cultural norms, and inadequacies in support services indirectly hinder the effective enforcement.<sup>17 18</sup>

Although the existing literature extensively documents prevention mechanisms, legal definitions, and implementation obstacles, a significant conceptual and normative gap persists: few studies foreground the principle of the best interests of the victim as the primary analytical framework for evaluating whether policies or practices genuinely fulfill the goals of justice and redress for victims. Furthermore, comparative analyses of the legal frameworks about the best interests of victims in cases of sexual violence across Muslim-majority countries, particularly Indonesia, Malaysia, and Egypt, remain scarce. This article seeks to address this lacuna by critically reviewing the relevant legal provisions and integrating them with contemporary Islamic legal principles. By centering on Indonesia, Malaysia, and Egypt, this study advances several contributions: first, it elaborates on the differences in regulatory substance concerning the best interests of victims within three

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<sup>13</sup> Urip Giyono, Sofiyatun Nurkhasanah, and Nur Rahman, 'Efektivitas Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual Dalam Perlindungan Korban Perempuan', *Jurnal De Jure Muhammadiyah Cirebon* 8, no. 2 (December 2024): 1-15, <https://doi.org/10.32534/djmc.v8i2.6608>; Yokhebed Arumdika Probosambodo and Widiastuti Widiastuti, 'Law Number 12 Of 2022 Regarding Sexual Violence Crimes As Implementation Of The 5th Point Of The Sustainable Development Goals In Indonesia', *Cognizance Journal of Multidisciplinary Studies* 3, no. 11 (November 2023): 341-349, <https://doi.org/10.47760/cognizance.2023.v03i11.027>.

<sup>14</sup> Zulkham Sadat Zuwanda and Andri Triyantoro, 'The Role of Law of the Republic of Indonesia Number 12 of 2022 Concerning Sexual Violence Crimes in Handling Cases of Gender-Based Violence in Indonesia', *West Science Law and Human Rights* 2, no. 04 (October 2024): 412-420, <https://doi.org/10.58812/wslhr.v2i04.1365>.

<sup>15</sup> Zaiton Hamin et al., 'Recent Development in Sexual Harassment Law in Malaysia: Whither the Victim's Protection?', *International Journal of Academic Research in Business and Social Sciences* 12, no. 11 (November 2022), <https://doi.org/10.6007/IJARBS/v12-i11/15225>.

<sup>16</sup> Zaiton Hamin, Saslina Kamaruddin, and Wan Rosalili Wan Rosli, 'When The Law Is Half-Baked: A Critique Of The New Anti-Sexual Harassment Law In Malaysia', *Journal of Administrative Science* 20, no. 2 (2023): 256-267.

<sup>17</sup> A Revolution Deferred: Sexual and Gender-Based Violence in Egypt, Part F2148 Gender, Development and Social Change 81 (2020), [https://doi.org/10.1007/978-3-030-46343-4\\_5](https://doi.org/10.1007/978-3-030-46343-4_5).

<sup>18</sup> Fatma Mohamed Hassan, Maged Nabil Hussein, and Asmaa Mohammad Moawad, 'Investigating Causes of Femicide in Egypt: Review', *Egyptian Journal of Forensic Sciences* 14, no. 1 (May 2024): 23, <https://doi.org/10.1186/s41935-024-00397-y>.

Muslim-majority nations characterized by distinct social and political contexts; second, it situates these differences within the normative framework of *maqāṣid al-sharīʿah*; and third, it offers conceptual strategies for upgrading victim protection in the modern era. Accordingly, this research contributes both theoretically and practically, bridging the gap between technical procedural reforms and the normative imperative to prioritize victims in the pursuit of substantive justice in contemporary Muslim societies.

## METHOD

This research adopts a normative juridical methodology to analyze how Indonesia, Malaysia, and Egypt address the best interests of victims of sexual violence. Centered on Muslim-majority contexts, the study systematically reviews legislation, legal doctrine, judicial decisions, and Islamic law principles, such as *maqāṣid al-sharīʿah*, with particular attention to *ḥifẓ al-ʿird* (protection of honor) and *ḥifẓ al-nafs* (protection of life). Using a comparative approach, it examines similarities, differences, and regulatory gaps, clarifying each legal system's approach to protecting victims' interests.

Additionally, this study uses a conceptual approach to clarify and critically assess whether legal protections for victims, grounded in both Islamic legal doctrine and contemporary victim-centered theories, are congruous with the principle of victims' best interests. This approach transcends mere statutory analysis by examining the value orientations underlying substantive justice. The research utilizes secondary data, including statutes, regulations, international legal instruments, judicial notions, and academic sources. It applies qualitative analysis within the *maqāṣid al-sharīʿah* framework, with the best interests of victims as its central argument. Through this methodology, the research aims to critically determine to what extent the legal frameworks in these three Muslim-majority countries are shaped by and effectively implement the principle of the best interests of victims of sexual violence, both as a normative standard and in legal practice.

## RESULTS AND DISCUSSION

### **Victim-Perspective Justice in Indonesian, Malaysian, and Egyptian Regulations: *Normative Fragmentation and Dominance of Offender Perspective in Indonesia***

Indonesia has formally been committed to the protection of victims of sexual violence by ratifying some international legal instruments, most notably the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) through Law No. 7 of 1984. This ratification affirms the state's obligation to guarantee women's rights, including the right to protection from gender-based violence and access to justice in favor of victims. Several national regulations were subsequently enacted, including Law No. 12 of 2022 concerning the Crime of Sexual Violence (UU TPKS).<sup>19</sup> It is a concrete effort to harmonize CEDAW principles with the national legal system.

The concept of sexual violence in Indonesia comprises any act that degrades, harasses, or assaults an individual's body, sexual autonomy, or reproductive function through coercion and against the victim's will, typically arising from unequal power and/or gender-based disparities. According to Law No. 12 of 2022 concerning the Crime of Sexual Violence (UU TPKS), sexual violence is defined broadly to include both physical and non-physical sexual harassment, coerced contraception and sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, technology-facilitated sexual violence, and other criminal acts explicitly designated as sexual violence within statutory provisions.<sup>20</sup> The National Commission on Violence against Women further delineates fifteen broader forms of sexual violence, such as sexual intimidation, forced pregnancy and abortion, and

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<sup>19</sup> Prior to the enactment of Law No. 12 of 2022 concerning the Crime of Sexual Violence (UU TPKS), regulations on sexual violence in Indonesia had been stipulated in several statutory laws, albeit not comprehensively and less victim-centric. The Penal Code of Indonesia (KUHP) regulates criminal offenses, including rape and molestation, but only with narrow definition which is not gender-neutral. Law No. 23 of 2004 concerning Elimination of Domestic Violence (UU PKDRT) governs sexual abuse within the domestic scope and instructs that victim protection is mandatory. Law No. 21 of 2007 concerning the Eradication of Human Trafficking Criminal Offense (UU TPPO) encompasses the case of sexual exploitation for commercial purposes. Law No. 23 of 2002 concerning Child Protection and its amendment are aimed at providing special protection for children as the victims of sexual violence, while Law No. 11 of 2008 concerning Electronic Information and Transactions (UU ITE) serves as the basis for imposing punishment on offenders of digital-based sexual violence.

<sup>20</sup> AL hiday Nur et al., 'Sosialisasi Hukum Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual', *Journal Of Human And Education (JAHE)* 4, no. 4 (2024): 437-442, <https://doi.org/10.31004/jh.v4i4.1285>.

traditional practices detrimental to women. This conceptualization underscores that sexual violence is more than a physical violation, as it entails infringements on dignity, reproductive rights, and the psychosocial integrity of victims.<sup>21</sup>

Regulations for protecting victims of sexual violence in Indonesia have developed significantly. The enactment of Law No. 12 of 2022 concerning the Crime of Sexual Violence (UU TPKS) is notable. This law builds upon earlier frameworks, including Law No. 31/2014 concerning Witness and Victim Protection, the Penal Code, and the Child Protection Law. Despite these advances, strong resistance to a victim-perspective approach persists, both in implementation and legal culture.<sup>22</sup> Research by IJRS and ICJR reports that, while victims' rights are set out in regulations, the justice system often views victims as whistleblowers or witnesses rather than primary justice subjects. Law enforcement officials also tend to keep a retributive and procedural mindset, hindering the adoption of restorative justice principles, which are more focused on restoration and reconciliation.<sup>23,24,25,26</sup>

The primary weaknesses in Indonesian regulation stem from normative fragmentation and the prevalence of the offender's perspective in the criminal justice system.<sup>27</sup> The KUHP and KUHAP remain oriented towards proving the guilt of the

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<sup>21</sup> Dewan Perwakilan Rakyat Indonesia, *Naskah Akademik Rancangan Undang-Undang Republik Indonesia Tentang Tindak Pidana Kekerasan Seksual Badan Legislasi*, 2021, 1-140.

<sup>22</sup> Separen Separen, 'Bentuk Pelindungan Terhadap Korban, Pendamping Korban, Dan Saksi Kekerasan Seksual Di Lingkungan Perguruan Tinggi', *PETITA* 5, no. 1 (June 2023): 15-24, <https://doi.org/10.33373/pta.v5i1.5525>.

<sup>23</sup> As'adur Rifqi and Hisbul Luthfi Ashsyarofi Navisa, Fitria Dewi, 'Implementasi Permendikburistek No. 30 Tahun 2021 Tentang Pencegahan Dan Penanganan Kekerasan Seksual Di Lingkungan Perguruan Tinggi (Studi Di Universitas Islam Malang)', *Dinamika*, 2021.

<sup>24</sup> Tarigan et al., *Pengaturan Terkait Kekerasan Seksual Dan Akomodasinya Terhadap Peraturan Perundang-Undangan Di Indonesia*.

<sup>25</sup> Devika Claretta Angesti, 'Perlindungan Hukum Hak Korban Tindak Pidana Kekerasan Seksual Di Perguruan Tinggi', *JATIJAR LAW REVIEW* 1, no. 2 (January 2023), <https://doi.org/10.26753/jlr.v1i2.808>.

<sup>26</sup> Penias Isba, Marius Suprianto Sakmaf, and Jumiran, 'Evaluation of Restorative Justice Implementation in Criminal Conflict Resolution: Victim and Offender Perspectives', *DELICTUM: Jurnal Hukum Pidana Islam* 3, no. 1 (September 2024): 14-30, <https://doi.org/10.35905/delictum.v3i1.10736>.

<sup>27</sup> Lidwina Inge Nurtjahyo, 'Naskah Akademik Pendukung Urgensi Draft Peraturan Menteri Tentang Pencegahan Dan Penanggulangan Kekerasan Seksual Di Lingkungan Perguruan Tinggi', *Direktorat Jenderal Pendidikan Tinggi*, no. September (2021): 1-74.

perpetrator, overlooking sufficient space for victim recovery. Explicit provisions on restitution in the Criminal Code and psychosocial protection mechanisms for victims during the legal process are absent and have become an issue.<sup>28</sup> This inadequacy results in an imbalance between the rights of the perpetrator and those of the victim, contrary to the principle of substantive justice.<sup>29</sup> Socially, this reinforces a culture of silence among victims,<sup>30</sup> exacerbates trauma, and inhibits reporting of sexual violence cases.<sup>31</sup> Research shows that many victims are reluctant to report for fear of being blamed, stigmatized, or distrusted by law enforcement.<sup>32</sup>

The implementation of legal protection for victims of sexual violence in Indonesia, especially after the enactment of Law No. 12 of 2022 concerning the Crime of Sexual Violence (UU TPKS), still encounters issues. Although the UU TPKS provides a more comprehensive legal framework,<sup>33,34</sup> its implementation is constrained by law enforcement officials' poor understanding of the criminal elements of the law, a lack of outreach programs, and limited access to services for victims.<sup>35</sup> Other obstacles, such as the lack of coercive mechanisms to punish perpetrators and limited psychological support in affected

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<sup>28</sup> Tarigan et al., *Pengaturan Terkait Kekerasan Seksual Dan Akomodasinya Terhadap Peraturan Perundang-Undangan Di Indonesia*.

<sup>29</sup> Jeremy Chandra Sitorus, 'Quo Vadis Legal Protection for Victims of Sexual Harassment on Campus', *Lex Scientia Law Review*, ahead of print, 2019, <https://doi.org/10.15294/lesrev.v3i1.30731>.

<sup>30</sup> Muh Iksan Saputra et al., 'Ketimpangan Relasi Kuasa Dalam Kasus Kekerasan Seksual Di Perguruan Tinggi', *Amsir Law Journal* 5, no. 2 (April 2024): 93-105, <https://doi.org/10.36746/alj.v5i2.424>.

<sup>31</sup> Muhammad Wahyu Saiful Huda and Rizqiya Lailatul Izza, 'Quo Vadis Perlindungan Kekerasan Seksual: Urgensi RUU PKS Sebagai Perlindungan Korban Kekerasan Seksual', *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 2, no. 2 (February 2022): 172-187, <https://doi.org/10.15294/ipmhi.v2i2.54874>.

<sup>32</sup> Mustamam et al., 'Reinterpreting Hifz Al-Nasl in Contemporary Marriage Contracts: Navigating Islamic Normativity and State Law', *MILRev: Metro Islamic Law Review* 4, no. 2 (October 2025): 1258-1280, <https://doi.org/10.32332/milrev.v4i2.11158>.

<sup>33</sup> Niken Fernanda et al., 'Perlindungan Korban Dalam Tindak Pidana Kekerasan Seksual', *Al-Zayn : Jurnal Ilmu Sosial & Hukum* 3, no. 2 (May 2025): 1041-1050, <https://doi.org/10.61104/alz.v3i2.1268>.

<sup>34</sup> Ana Rahmatyar Ardian Pratama, Opan Satria Mandala, 'Analisis Implementasi Kebijakan Perlindungan Anak Korban Kekerasan Seksual Di Indonesia Dalam Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual (UU TPKS)', *Indonesia Berdaya* 6, no. 3 (2025), <https://doi.org/10.47679/ib.20251159>.

<sup>35</sup> Dewi Fransiska Mamonto et al., 'The Evolution of Islamic Civil Law in Indonesia: Developments, Contemporary Challenges, and Future Directions', *NUSANTARA: Journal Of Law Studies* 3, no. 02 (December 2024): 147-158, <https://doi.org/10.5281/zenodo.17385985>.

regions, also hinder the implementation of restitution.<sup>36</sup> Therefore, it is essential to set progressive steps to implement existing regulations and to involve all parties, including the government and all elements of society. Furthermore, a strategic role is vital to achieving justice with a focus on victims' needs.

### ***Victim-Perspective Procedural Innovation and Regulatory Harmonization Challenges in Malaysia***

Malaysia has developed a relatively progressive legal framework to address sexual violence. Primary regulations include the Sexual Offences against Children Act 2017, the Anti-Sexual Offences Act 2022 (Act 840), and provisions in the Penal Code (Kanan Keseksaan). The state views sexual violence as a serious violation of human rights and social peace. It frames the issue in terms of protecting victims' dignity and well-being.<sup>37</sup> One notable innovation is the Anti-Sexual Offences Tribunal, which allows victims to access justice administratively. This approach helps avoid lengthy and traumatic criminal proceedings, while reflecting a paradigm shift away from a perpetrator-oriented system toward one more responsive to victims' needs.<sup>38</sup> Malaysia does not explicitly define sexual violence.<sup>39</sup> However, some laws cover different forms of sexual violence, as elaborated in Table 1.

Table 1. Forms of sexual violence under Malaysian law

Law	Breach	Punishment
Criminal Code Article 354	Assault or use of criminal violence against a person with the intent to outrage modesty	Maximum 10 years imprisonment, or with fines and/or flogging.

<sup>36</sup> Muhammad Rifky Darmawan et al., 'Implementasi Hak Restitusi Korban Tindak Pidana Kekerasan Seksual', *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 2 (April 2024): 1-10, <https://doi.org/10.47467/as.v6i2.6506>.

<sup>37</sup> Pika Sari et al., 'Comparison Of Legal In Granting he Rights of Retitution To Victims Of Sexual Violence', *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 23, no. 2 (June 2024): 17, <https://doi.org/10.31941/pj.v23i2.4485>.

<sup>38</sup> Ramizah Wan Muhammad and Mohamed Affan Shafy, "Constructing an Islamic Criminal Law System In Malaysia," *Old Website of Jurnal Mimbar Hukum* 32, no. 3 (2021), <https://doi.org/10.22146/jmh.56217>.

<sup>39</sup> 'Bentuk-Bentuk Kekerasan Domestik Ddn Permasalahannya (Studi P A (Studi Perbandingan Hukum Indonesia Dan Erbandingan Hukum Indonesia Dan Malaysia)', *Jurnal Hukum Dan Pembangunan* 47, no. 4 (2017), <https://doi.org/10.21143/jhp.vol47.no4.1592>.

Criminal Code, Article 375A	Husband hurts others to have sexual intercourse	Maximum five years in prison
Criminal Code, Article 376B	Penalties for incest	10 - 30 years imprisonment and flogging
Criminal Code, Article 377C	Engaging in sexual intercourse against human nature without consent, etc.	5 - 20 years imprisonment and flogging
Criminal Code, Article 377CA	Object-based sexual intercourse	5 - 30 years imprisonment and flogging
Criminal Code, Article 377D	Violation of decorum	Maximum two years in prison
Criminal Code, Article 377E	Inciting a child to commit an act of gross indecency	3 - 15 years imprisonment and flogging
Children Act, Section 31	Sexually abusing a child or causing or allowing the child to be abused	Maximum imprisonment of 20 years or a maximum fine of RM 50,000, or both
Sexual Crimes against Children Act, Article 11	Communicating sexually with a child	Maximum three years in prison
Sexual Crimes against Children Act, Article 12	Childcare	Maximum prison sentence of five years and flogging.
Sexual Crimes against Children Act, Article 13	Meeting after childcare	Maximum 10 years imprisonment and flogging.
Sexual Crimes against Children Act, Article 14	Physical sexual abuse of children	Maximum 20 years imprisonment and flogging.
Sexual Crimes against Children Act, Article 15	Non-physical sexual violence against children	Maximum 10 years imprisonment or maximum fine of RM 20,000, or both

Source: Penal Code Malaysia

While Malaysia has made notable strides toward establishing a more victim-centric legal system, the ongoing challenge of harmonizing sharia and civil law frameworks persists as a significant structural barrier.<sup>40</sup> In specific contexts, conservative interpretations of sharia law may conflict with progressive principles of victim protection, leading to inconsistencies in the implementation of legal provisions, particularly in regions with pronounced sharia jurisdiction. Moreover, many law enforcement officials lack sufficient training in victim-centered approaches, which frequently results in the application of regulations that diverge from their intended normative objectives.<sup>41</sup> Accordingly, although Malaysia has introduced laudable procedural innovations, the enduring effectiveness of

<sup>40</sup> Luthfia Nareswari Rasendriya; Marisa Kurnianingsih, 'Viktimologi Dan Kekerasan Seksual (Studi Komparasi Pemenuhan Hak Korban Di Indonesia Dan Malaysia)', *Program Studi Ilmu Hukum, Fakultas Hukum, Universitas Muhammadiyah Surakarta*, 2014, 1-21.

<sup>41</sup> Graciela Natasha Tesselonica Lektonpessy and Irfa Ronaboyd, 'Perbandingan Sistem Peradilan Pidana Antara Indonesia Dan Malaysia Terhadap Kekerasan Seksual', *Novum: Jurnal Hukum*, 2024, 580-594.

these reforms will depend primarily on comprehensive institutional restructuring and sustained professional development for legal practitioners.

Malaysia's criminal justice system for sexual violence continues to confront substantial obstacles, notably protracted legal proceedings and complex evidentiary requirements, both of which frequently discourage victims from seeking recourse through formal channels. Although the Anti-Sexual Harassment Tribunal offers accessible pathways for victims, its jurisdiction is circumscribed and does not include the power to impose criminal sanctions, thereby limiting the tribunal's capacity to deliver verdicts with a significant deterrent effect. Social barriers remain pervasive, particularly in the form of entrenched stigma against victims and a deeply rooted patriarchal culture, further discouraging reporting and impeding effective case resolution. Moreover, the provision of psychological protection for victims during legal proceedings remains insufficient, resulting in the incomplete realization of victims' rights to comprehensive recovery.

### **Structural Inequality and Systemic Repression in Realizing Justice for Victims of Sexual Violence in Egypt**

Constitutionally, the Egyptian state designates *sharī'ah* as the principal source of legislation (Article 2 of the Egyptian Constitution). However, in practice, protections for victims of sexual violence remain limited and are not victim-oriented. The Egyptian Penal Code criminalizes sexual harassment and violence but primarily focuses on preserving public morality rather than victim recovery. The absence of specialized mechanisms, such as dedicated tribunals or independent victim protection agencies, hinders the adequate provision of redress. Reports from UN Women indicate that victims routinely face structural barriers: fear of social stigma, mistrust of law enforcement, and risks of secondary victimization or re-criminalization. To improve victim-centered responses, the following recommendations should be considered: (1) establishing specialized victim support mechanisms; (2) reforming legal provisions to prioritize victim welfare; and (3) addressing patriarchal norms through public engagement and advocacy. Efforts to advance these recommendations remain impeded by established patriarchal norms and strict state control over gender and human rights discussions.

To address these issues, the legal system should set a clear framework that recognizes victims' rights, including provisions for restitution, compensation, and psychosocial support. Judicial independence must be strengthened by reducing executive oversight, particularly in cases involving state actors or groups protected by the regime. Legal and societal reforms are necessary to prevent revictimization and to foster a sense of accountability, restoring public trust in legal institutions and ensuring justice for victims of sexual violence.

The Egyptian state has demonstrated a limited commitment to promoting victim-centered justice. Sometimes, the state itself has violated rights, such as in the 2013 *Rabaa al-Adawiya* massacre, when thousands died without any transparent accountability process. The state often prioritizes political stability and control over protecting civil rights, including those of sexual violence victims. According to *maqāṣid al-sharī'ah*, these failures show the state's inability to uphold *ḥifẓ al-naḥs* (protection of life), *ḥifẓ al-'ird* (protection of honor), and *ḥifẓ al-dīn* (protection of spiritual freedom). While the state should safeguard the dignity and safety of its citizens, in Egypt, this duty is weakened by systematic repression and ingrained structural inequalities in the legal system.

### **Justice for Victims from the Perspective of *Maqāṣid al-sharī'ah*: Reconstructing the Paradigm of Islamic Law on Sexual Violence**

Within Islamic law, *Maqāṣid al-sharī'ah*, or the objectives of sharia, constitutes a philosophical and ethical framework that guides the development and application of legal norms. *Maqāṣid al-sharī'ah* delineates core objectives, including the preservation of religion, life, intellect, progeny, and property, which serve as essential foundations for justice and societal welfare. In addressing sexual violence, the application of *Maqāṣid al-sharī'ah* provides a comprehensive and human-centered approach, underscoring the necessity of safeguarding victims' rights in both criminal proceedings and restorative processes that uphold human dignity. Consequently, legal regulations concerning sexual violence should incorporate *maqāṣid* principles to ensure the law achieves both justice and the protection of victims' rights.

The integration of *Maqāṣid al-sharī'ah* values into sexual violence regulation necessitates a paradigm shift that prioritizes the victims. This approach asserts that justice encompasses not only the punishment of perpetrators but also the provision of protection, legal assistance, and psychosocial support for victims. Guided by the principles of preserving life and progeny, regulations should aim to eliminate social stigma, streamline reporting procedures, and establish mechanisms responsive to the specific needs of victims.<sup>42</sup> This framework promotes restorative and inclusive legal processes, ensuring that victim recovery is covered within the legal system.

*Maqāṣid al-sharī'ah* necessitates reforming legal structures and law enforcement mechanisms to prioritize humanity and substantive justice. Regulations should impose appropriate sanctions on perpetrators while also ensuring psychological and social support for victims to prevent further marginalization. This approach requires balancing statutory law with *Maqāṣid al-sharī'ah* values to enhance the capacity of legal institutions, communities, and social organizations and to guarantee comprehensive protection. Applying *maqāṣid* principles in this context also involves adapting to evolving social and cultural conditions and establishing a flexible and forward-looking legal framework.

*Maqāṣid al-sharī'ah* functions as a normative foundation that should inform all stages of drafting and implementing regulations aimed at addressing sexual violence. This framework extends beyond formal legal considerations to encompass human values and restorative justice, thereby supporting the sustained realization of victims' rights. Incorporating *Maqāṣid al-sharī'ah* into both regulatory content and implementation fosters a responsive, dignified, and sustainable legal system in delivering justice for victims of sexual violence. Accordingly, prioritizing a *maqāṣid*-based legal paradigm is essential for legal reform aimed at ensuring comprehensive protection of victims' rights.

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<sup>42</sup> Anis Mashdurohatun et al., 'A Justice and Maslahah-Based Reconstruction of Notary Removal Regulations', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (November 2025): 739-750, <https://doi.org/10.29300/mzn.v12i2.9406>.

The concept of justice in Islam is not solely based on punishing the perpetrator, but on fulfilling the rights of victims as a form of recovering human dignity.<sup>43</sup> The main principles of *Maqāṣid al-sharī'ah*, such as *ḥifẓ al-nafs* (protection of the soul), *ḥifẓ al-'ird* (protection of honor), and *ḥifẓ al'aql* (protection of reasoning), offer a normative framework for designing legal protection in favor of victims.<sup>44</sup> They can also serve as a reference in the context of victims of sexual violence.<sup>45</sup> However, findings across Muslim countries such as Indonesia, Malaysia, and Egypt show that the fulfillment of justice for victims has not been substantially integrated into the national legal system. Existing regulations focus more on aspects of criminalization and formal evidence, while the psychological, social, and spiritual recovery aspects of victims are often neglected.

The criminal legal systems of Indonesia and Malaysia reveal that the *maqāṣid* framework has not been explicitly integrated into the development of victim protection policies. In Indonesia, the UU TPKS incorporates the principle of restorative justice; however, the central value of *ḥifẓ al-'ird* has yet to serve as the primary ethical foundation for restoring victims' dignity. Malaysia shows potential for advancing restorative approaches through its Anti-Sexual Offences Tribunal, yet continues to encounter challenges related to the harmonization of common law and sharia law traditions. By contrast, Egypt experiences persistent structural stagnation and systemic repression, which significantly hamper the protection of victims. Although the Egyptian constitution recognizes *sharī'ah* as a legislative source, this acknowledgment has not been substantively reflected in the state's criminal policy.

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<sup>43</sup> Y.A. Triana Ohoiwutun, Samuel Saut Martua Samosir, and Chosya Sheila Aprilliana Arimbhi, 'Penerapan Asas Kepentingan Terbaik Bagi Anak Korban Tindak Pidana Perkosaan Yang Melakukan Aborsi', *Jurnal Hukum, politik dan ilmu sosial* 2, no. 1 (February 2023): 149-163, <https://doi.org/10.55606/jhps.v2i1.1261>.

<sup>44</sup> Nabila Zatadini and Syamsuri Syamsuri, 'Konsep Maqashid Syariah Menurut Al-Syatibi Dan Kontribusinya Dalam Kebijakan Fiskal', *ALFALAH: Journal of Islamic Economics* 3, no. 2 (December 2018): 1, <https://doi.org/10.29240/alfalah.v3i2.587>.

<sup>45</sup> Vivi Ariyanti, 'Legal Protection for Victims of Sexual Violence in Indonesia in the Perspectives of Victimology and Fiqh Jinayah', *El-Aqwal: Journal of Sharia and Comparative Law* 2, no. 2 (August 2023): 121-134, <https://doi.org/10.24090/el-aqwal.v2i2.9411>.

Reconstructing the Islamic legal paradigm concerning sexual violence necessitates a clear prioritization of victims' interests. The *maqāṣid al-sharī'ah* should serve as the moral and normative foundation for policy formulation. Accordingly, the criminal justice systems in Muslim-majority countries ought to adopt restorative justice frameworks that ensure comprehensive recovery for victims, while actively repudiating revictimization and impunity. Such an approach affirms a commitment to human rights and actualizes Islamic values by emphasizing public benefit (*maṣlaḥah*) as the central objective of legal regulation.

### **Normative Reflection: The Urgency of *Maqāṣid al-Sharī'ah*-Based Legal Reform as a Response to the Crisis of Sexual Violence in Indonesia, Malaysia, and Egypt**

Addressing the pervasive issue of sexual violence, which manifests in comparable patterns across Muslim-majority countries such as Indonesia, Malaysia, and Egypt, including perpetrator bias within legal proceedings, insufficient victim protection, and the ineffectiveness of formal legal mechanisms, requires legal reforms that transcend mere legal formalism and embrace substantive, contextually sensitive approaches. The *maqāṣid al-sharī'ah* framework, as articulated by Jasser Auda, provides an alternative paradigm capable of remedying systemic deficiencies by foregrounding the principles of substantive justice, protection of life (*ḥifẓ al-nafs*), reasoning state (*ḥifẓ al-'aql*), honor (*ḥifẓ al-'ird*), and human dignity (*karāmah insāniyyah*). For instance, in Indonesia, the legal system continues to place a heavy burden of proof upon victims; in Malaysia, the circumscribed jurisdiction of the Syariah Court results in inadequate adjudication of sexual violence cases; and in Egypt, despite progressive legal reforms targeting sexual harassment, effective implementation remains impeded by deeply ingrained patriarchal norms. In this regard, Auda's *maqāṣid*-oriented approach constitutes a relevant theoretical and practical foundation for facilitating legal transformation that prioritizes the rights and well-being of victims.<sup>46</sup>

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<sup>46</sup> Nur Solikin and Moh. Wasik, "The Construction of Family Law in the Compilation of Islamic Law in Indonesia: A Review of John Rawls's Concept of Justice and Jasser Auda's *Maqashid al-Shari'a*", *Ulumuna* 27, no. 1 (June 2023): 323, <https://doi.org/10.20414/ujis.v27i1.708>.

A central priority of *maqāṣid*-oriented regulation is the comprehensive recognition and protection of victims' rights. The state must guarantee that victims receive legal protection free from procedural barriers and are provided with integrated medical, psychological, and legal assistance. In Indonesia, such integrated services are predominantly available in major urban centers but remain insufficiently coordinated with law enforcement agencies. Malaysia has established One Stop Crisis Centers; however, the participation of religious institutions in facilitating victim recovery remains limited. In contrast, Egypt frequently lacks accessible psychosocial recovery services for victims of gender-based violence.<sup>47</sup>

Furthermore, victims are entitled to equitable restitution and compensation, as well as spiritual healing support consistent with the Islamic principle of compassion.<sup>48</sup> The objective is to restore not only the physical and psychological well-being of victims, but also their dignity and sense of social security.<sup>49</sup> Jasser Auda's principle of interconnectivity underscores that victim protection should be a collaborative endeavor, involving legal, social, medical, religious, and educational institutions that should work synergistically.<sup>50</sup>

To ensure the effective implementation of these regulations, establishing an independent institution grounded in *maqāṣid* principles is essential. This specialized tribunal would focus on victim protection. The institution should have apparent legal authority and be systematically integrated into the national judicial framework. For instance, it could serve as a quasi-judicial body working closely with law enforcement agencies, judicial courts, and the Ministry of Religious Affairs. In Indonesia, such a framework could evolve from existing bodies, such as the National Commission for

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<sup>47</sup> Robert Fernea, 'Gender, Sexuality and Patriarchy in Modern Egypt', *Critique: Critical Middle Eastern Studies* 12, no. 2 (October 2003): 141–153, <https://doi.org/10.1080/1066992032000130602>.

<sup>48</sup> Ibnu Akbar Maliki et al., 'A Gender-Based Maqashid Sharia Study of Penghulu in Indonesia (A Study of Jasser Auda's Views)', *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 23, no. 1 (June 2023): 65, <https://doi.org/10.19109/nurani.v23i1.16447>.

<sup>49</sup> Vincentius Setyawan and Bariah Safrut, 'Rethinking Law and Justice: The Core Principles of Critical Legal Studies against Legal Formalism', *NUSANTARA: Journal Of Law Studies* 4, no. 2 (October 2025): 74–85, <https://doi.org/10.5281/zenodo.17332128>.

<sup>50</sup> Jasser Auda, *Re-envisioning Islamic Scholarship: Maqasid Methodology as a New Approach* (United Kingdom: Claritas Books, 2022), 128.

Women (*Komnas Perempuan*) or the Witness and Victim Protection Agency (LPSK), which already have specific mandates tied to *maqāṣid* principles. In Malaysia, integration may involve collaboration between the Syariah Court and social protection agencies. This institution's responsibilities would go beyond sanctioning perpetrators. It would also facilitate restorative justice and ensure restitution that upholds victims' dignity. In line with Auda's view that law should promote benefit and eliminate harm, this body would expedite victims' recovery and bridge Islamic moral values with modern legal practice.<sup>51</sup>

Reforming law enforcement personnel, who have historically been a principal barrier to adequate victim protection, is urgent. All officers should receive comprehensive training in victim-centered approaches, *maqāṣid al-sharī'ah*, and restorative justice principles. Performance evaluations must be grounded in the attainment of substantive justice (*al-'adālah*), rather than merely the quantitative resolution of cases. In pursuit of harmonization, any regulations that perpetuate gender bias need to be systematically reviewed and revised to align with *maqāṣid* principles across criminal, sharia, and administrative law.

Addressing the pervasive influence of patriarchal culture and the stigmatization of victims in Indonesia, Malaysia, and Egypt requires comprehensive social and educational interventions. In this case, the state should prioritize developing religious and educational curricula that advance *maqāṣid* values, particularly in the domains of women's fiqh and gender ethics. Religious narratives that legitimize violence against women must be unequivocally repudiated and supplanted by discourses of *da'wah* that foreground *rahmah* (compassion) and *karāmah insāniyyah* (human dignity).<sup>52</sup> Mass media and religious leaders must also serve as agents of change in spreading the message of victim protection and transformative justice.

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<sup>51</sup> Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (United States of America: International Institute of Islamic Thought (IIIT), 2008), 26.

<sup>52</sup> Solikin and Wasik, 'The Construction of Family Law in the Compilation of Islamic Law in Indonesia', 334.

Table 2. Regulation of Protection of Victims of Sexual Violence Based on *Maqāṣid al-sharī'ah* (Jasser Auda)

Aspect of the Problem	Major Problem in Indonesia, Malaysia, and Egypt	<i>Maqāṣid</i> -based Regulative Solution	The Principle of <i>Maqāṣid</i> (Jasser Auda)	Justification & Empirical Example
Dominance-of-Performer Perspective	Laws are still oriented towards perpetrators, not victims (Indonesia: Penal Code; Malaysia: limited Tribunal; Egypt: public morality focus).	Shifting the orientation of the law from punishing perpetrators to restoring victims with restorative & reconstructive justice models.	<i>Hifẓ al-nafs, Hifẓ al-'irdh, al-'adalah</i>	The <i>maqāṣid</i> principle places the protection of victims' dignity above legal formalities. The UU TPKS (Indonesia, 2022) has begun to shift the paradigm towards victims, although implementation remains weak.
Lack of Understanding by Officials	Officials are insensitive to victim issues; there is a lack of gender-perspective training.	Mandatory training of officials: victim fiqh and <i>maqāṣid</i> , evaluation indicators based on substantive justice, not administrative.	<i>Al-'ilm, al-'adalah, al-karāmah al-insāniyyah</i>	Knowledge is a requirement for justice. Malaysia has started an officer training program for the Anti-Harassment Tribunal, but the limited authority makes it less impactful.
Stigma and Patriarchal Culture	Victims are reluctant to report due to social stigma, patriarchy, and the risk of re-criminalization.	Cultural reform: fiqh <i>maqāṣid</i> curriculum, monitoring religious narratives, media, and <i>da'wah</i> based on mercy and gender justice.	<i>Hifẓ al-dīn, al-rahmah, al-karāmah al-insāniyyah</i>	<i>Maqāṣid</i> emphasizes the value of mercy and human dignity. In Egypt, many cases of sexual harassment are silenced under the pretext of protecting public morals, not the victims; regulations must reverse this paradigm.
No Comprehensive Support System for Victims	There is no enforcement mechanism against perpetrators, minimal psychological support, and no victim compensation.	Establishment of a Victim Protection Agency ( <i>Maqāṣidiyyah</i> Tribunal) with mandates for restitution, social sanctions, and rehabilitation.	<i>Hifẓ al-nafs, Hifẓ al-'irdh, al-ta'āwun</i>	<i>Maqāṣid</i> calls for comprehensive protection, not just the criminal aspect. In Indonesia, LPSK provides victim protection, but its limited capacity needs to be expanded in line with the <i>maqāṣid</i> .
Regulation and Implementation Gap	Laws are progressive but not harmonized; in Egypt, the law is controlled by the regime;	Harmonizing sharia-criminal regulations with <i>maqāṣid</i> ; evaluating discriminatory	<i>Interconnectedness, Systemic reform, Maqṣad-based law</i>	Auda's systemic approach demands interconnectedness between laws. In Malaysia, the conflict between conservative

	Malaysia has and offender-sharia vs civil biased regulations.	sharia and progressive victim protection demonstrates the need for <i>maqāṣid</i> -based harmonization.
Absence of Compensation and Restitution Mechanism	Victims do not receive financial, social, or psychological remedies.	Establishing the obligation of the perpetrator to pay compensation and financing the recovery of the victim.
	<i>Hifẓ al-māl, Hifẓ al-nafs, Hifẓ al-'aql</i>	<i>Maqāṣid</i> emphasizes total protection. In Egypt, victims of sexual violence have no right to compensation, so the new regulation must allow for material and mental recovery.

Source: *Maqāṣid al-sharī'ah* (Jasser Auda)

## CONCLUSION

This research demonstrates that *maqāṣid al-sharī'ah* has transformative potential in the formulation of equitable regulations regarding sexual violence. The principal innovation lies in the transition from a predominantly legalistic approach to a victim-centric one, prioritizing the protection and restoration of victims' dignity. To perform *maqāṣid* principles, particularly *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-nasl* (protection of lineage), and *ḥifẓ al-'ird* (protection of honor), this study offers some recommendations: (1) the integration of these principles into service delivery mechanisms; (2) the establishment of victim-friendly procedural frameworks; and (3) the provision of comprehensive psychosocial support. Comparative analysis across Muslim-majority countries reveals a persistent gap between the normative aspirations of *maqāṣid* and their practical implementation, with existing regulations often too focused on criminalization over victim rehabilitation. Accordingly, this research suggests that the reconstruction of Islamic law by incorporating *maqāṣid* values into the technical apparatus of positive law should be considered, thereby fostering an adaptive, progressive, restorative, and victim-centered legal system. Advancing *maqāṣid al-sharī'ah* as the foundational paradigm for sexual violence regulation is posited as an essential agenda for legal reform in Muslim countries, aimed at ensuring comprehensive, dignified, and sustainable protection for victims.

Jasser Auda's *maqāṣid al-sharī'ah* framework provides a transformative paradigm for addressing sexual violence in Muslim-majority countries such as Indonesia, Malaysia, and

Egypt, where perpetrator bias, inadequate victim protection, and procedural inefficacies persist. The unique contribution of this research is the proposition to recalibrate the legal paradigm towards a victim-centric orientation that should extend beyond punitive measures to encompass the comprehensive restoration of victims' dignity across physical, psychological, social, and spiritual dimensions. This objective is actualized through the integration of *maqāṣid* principles within positive law, the establishment of independent *maqāṣid*-based institutions serving as specialized tribunals for victims, and the reform of law enforcement agencies to prioritize substantive justice and restorative approaches. Furthermore, the study identifies the deconstruction of patriarchal cultural norms as a prerequisite for adequate victim protection, which can be achieved through reforming religious curricula, women's fiqh, gender ethics, and the proactive engagement of religious leaders and the media to encourage change. Consequently, the application of *maqāṣid al-sharī'ah* should not only reinforce the normative framework of Islamic law but also generate a victim protection system that is more responsive, inclusive, and attuned to contemporary socio-cultural dynamics.

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## AUTHOR CONTRIBUTIONS

E.M. conceptualized the study design and led the manuscript writing. N.R. contributed to the literature review and theoretical framework. R.N. was responsible for data collection and preliminary analysis. M.N.F. contributed to data interpretation and methodological refinement. G.K.J. provided critical review, international comparative insights, and final editing of the manuscript. All authors read and approved the final version of the paper.

## CONFLICT OF INTEREST

The authors affirm that there are no financial or non-financial conflicts of interest that could have influenced any aspect of this study. This research was carried out independently and objectively, maintaining a firm commitment to academic integrity and ethical principles.

## AI USAGE STATEMENT

Artificial intelligence (AI) tools were used in a limited capacity to assist with language editing, grammar checking, and stylistic improvements. AI tools were not used to generate research data, analyze findings, develop theoretical arguments, or draw conclusions. The author retains full responsibility for the accuracy, originality, and integrity of the manuscript.

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