



Comparative Legal Protection for Child Victims of Sexual Violence in Islamic Criminal Law and Indonesian Positive Law

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ABSTRACT

This research examines legal protection for child victims of sexual violence from the perspectives of Islamic law and Indonesian positive law. Using normative juridical research methods and a comparative law approach, this research analyzes the philosophical foundations, implementation, and harmonization of these two legal systems. The results show that legal protection from an Islamic perspective is built on the foundation of maqashid sharia to protect children's lives and honor, implemented through hudud and ta'zir sanction systems, and comprehensive protection programs. In positive law, protection is realized through the Criminal Code and Child Protection Law with preventive and repressive approaches. The study further demonstrates analytical distinctions in the qualitative assessment of doctrinal principles and institutional mechanisms, revealing areas where harmonization is both necessary and feasible. The research recommends strengthening legal harmonization through regulatory revision, law enforcement capacity building, development of community-based prevention programs, and continuous research to improve child protection systems.



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INTRODUCTION

Background

The phenomenon of sexual violence against children has become a serious problem that requires comprehensive attention and handling from various parties (Purnamawati et al., 2024). Statistical data shows an increasing trend in child sexual violence cases over the past 5 years with widespread distribution across various regions of Indonesia. The diverse profiles of perpetrators, ranging from close relatives to strangers, as well as children's vulnerability as victims further emphasize the urgency of adequate legal protection (Nurjanah et al., 2025). The psychological and social impacts experienced by victims are very concerning, including long-term trauma that disrupts child development and social stigma that they must face. This demands serious efforts in crime prevention, victim recovery, and effective law enforcement.

In the context of law enforcement, criminal sanctions for perpetrators of sexual violence need to be reviewed from two main perspectives (Mukhlis, Suradi, et al., 2023; Mukhlis, 2025b). First, the perspective of Islamic criminal law which views acts of sexual violence within the framework of jinayah with hudud and ta'zir sanctions aimed at providing deterrent effects as well as guidance (Min, 2024). Second, the perspective of Indonesian positive law regulated in the Criminal Code and Child Protection Law with clear minimum and maximum sanctions and criminal liability provisions. Both legal systems have criminal objectives that include aspects of deterrence, perpetrator guidance, and general prevention to prevent similar crimes in the future.

The universal values of child protection serve as a meeting point between Islamic law and Indonesian positive law (Bollempalli, 2024). Both legal systems recognize and protect children's

fundamental rights, including the right to life, the right to grow and develop, the principle of the best interests of the child, and the principle of non-discrimination. The harmonization of these two legal systems can be realized through the adoption of Islamic principles into national regulations and strengthening integrated law enforcement mechanisms (Jiang & Huang, 2025). This synchronization is essential to ensure optimal legal protection for child victims of sexual violence.

The active role of society and the state is key in implementing effective legal protection (Yusuf et al., 2025). Education and socialization programs on sexual violence prevention need to be conducted systematically and continuously. Monitoring and reporting systems involving various elements of society must be strengthened for early detection and rapid handling of sexual violence cases. Additionally, rehabilitation and assistance services for victims must be available and easily accessible to help with trauma recovery and victims' social reintegration into society.

However, despite these developments, a clear problem emerges: there is still ambiguity regarding how Islamic criminal law principles can be integrated effectively and normatively into Indonesia's positive law framework, particularly in the context of child sexual violence. Although both legal systems share protective values, previous studies have not specifically explained how the two systems can be harmonized at the level of legal norms, sanctions, and implementation. This unresolved gap becomes the central problem that this research seeks to address.

Research Problems

This research examines three main issues related to legal protection for child victims of sexual violence (Mukhlis, Arifin, Ridwan, & Zulbaidah, 2025; Mukhlis, Arifin, Ridwan, Zulbaidah, et al., 2025). First, how is the concept of legal protection in Islamic perspective which includes its normative foundation and implementation. Second, how is the application of Indonesian positive law in protecting child victims of sexual violence through various existing legal instruments. Third, how can the harmonization efforts between Islamic law and positive law produce a comprehensive and effective legal protection system for child victims of sexual violence in Indonesia.

Research Objectives

This research aims to analyze in depth the concept of Islamic legal protection for child victims of sexual violence by examining its normative foundations and implementation, as well as studying the application of Indonesian positive law in protecting child victims through various existing legal instruments (Orlovska & Stepanova, 2020). In addition, this research also aims to formulate efforts to harmonize Islamic law and positive law in order to produce a comprehensive and effective legal protection system for child victims of sexual violence in Indonesia (Kadir & Zaelani, 2023, p. 158).

Research Benefits

This research provides significant benefits in the development of legal science, particularly in the field of child protection and Islamic criminal law (Huang & Qian, 2025). Theoretically, the research contributes to the development of Islamic criminal law concepts and doctrines related to the protection of child victims of sexual violence by integrating Islamic values into the modern legal system (Disemadi, 2022). The research also promotes harmonization between Islamic criminal law and Indonesian positive law in the context of child protection, creating a more comprehensive and effective legal framework (Tumadi et al., 2025). The research findings can serve as a conceptual foundation for future legal policy development, especially in aspects of prevention and handling of child sexual violence cases (Maddusila et al., 2024). Furthermore, the research contributes to efforts to integrate a victim protection system that combines Islamic law and positive law perspectives to provide optimal protection for Indonesian children.

Practically, this research can serve as an important reference for stakeholders in formulating comprehensive child protection policies and programs (Gillett, 2023). The research findings provide a scientific foundation for policy development that considers Islamic law and positive law aspects in a

balanced manner (Baihaqi et al., 2024). Legal practitioners and law enforcement can utilize the resulting integrative legal approach for more effective handling of child sexual violence cases (O'Neill, 2025). The research also contributes to increasing public understanding of the urgency of child protection and sexual violence prevention mechanisms (Ali et al., 2025). Furthermore, the research findings can encourage active participation of all elements of society in preventing and handling cases of sexual violence against children, creating a more integrated and sustainable protection system.

RESEARCH METHODS

This research uses normative legal research methods (juridical normative) by applying several complementary approaches (Kadir & Zaelani, 2023, p. 158). The statute approach is used to examine in depth various regulations related to the protection of child victims of sexual violence, both from the perspective of Islamic law and Indonesian positive law (Mukhlis et al., 2024; Mukhlis, Maryam, et al., 2023). The comparative approach is applied to compare the concept and implementation of legal protection in both legal systems, identifying similarities and differences as well as their potential for harmonization (Carreiras & Castro, 2012; Iosifides, 2016). In addition, the conceptual approach is utilized to analyze fundamental legal concepts related to child protection and sexual violence. The case approach is also applied to understand the application of law in practice through the study of concrete cases that have occurred.

This research uses comprehensive legal sources to analyze legal protection for child victims of sexual violence (Lutz & Knox, 2014; McNabb, 2015). The primary legal sources used are the Quran as the main source of Islamic law, complemented by classical and contemporary fiqh books that provide in-depth interpretation and explanation of Islamic law (Kadir & Zaelani, 2023, p. 158). From the positive law perspective, the research refers to the Criminal Code, Criminal Procedure Code, and various laws related to child protection and handling of sexual violence (Fife, 2020; Kawamura, 2020). To enrich the analysis, the research also utilizes secondary sources in the form of books, scientific journals, and previous research findings relevant to the study topic (Kifli & Ismail, 2022, p. 417). As tertiary sources, the research uses legal dictionaries to ensure accurate use of legal terms, as well as credible internet sources to obtain current data and information about case developments and handling of sexual violence against children (Hasibuan, 2021, p. 5118). Data validity is ensured through source triangulation by cross-verifying primary Islamic legal texts, statutory regulations, and judicial practices. Reliability is strengthened by using authoritative, widely recognized legal references and by applying consistent criteria in selecting and interpreting legal materials.

This research uses library research to systematically and comprehensively collect data from various relevant literature sources (Hillman & Radel, 2018; Migdal, 2018). Legal documentation is collected comprehensively including legislation, fiqh books, scientific journals, and other legal sources related to the protection of child victims of sexual violence (Kadir & Zaelani, 2023, p. 158). Data analysis is conducted using a qualitative descriptive approach to generate an in-depth understanding of the concept and implementation of legal protection (Atharwan, 2023, p. 116). The perspectives of Islamic law and positive law are studied in depth to identify meeting points and potential harmonization between the two legal systems (Daly, 2007; Longhofer et al., 2012). The analysis results are then used to formulate effective applicable recommendations in efforts to improve legal protection for child victims of sexual violence, taking into account the socio-cultural context of Indonesian society and practical needs in the field (Hasibuan, 2021, p. 5118).

LITERATURE REVIEW

The Concept of Legal Protection

1. Definition of Legal Protection

Legal protection represents efforts to guarantee and protect human rights, particularly for children who need special protection due to their vulnerable conditions (Hasibuan, 2021, p. 5113). In

this context, legal protection has two important dimensions: prevention of violations and imposing sanctions on perpetrators (Atharwan, 2023, p. 116). Islam as a religion of rahmatan lil alamin (mercy for all creation) gives special attention to protecting life and lineage as part of maqashid syariah (objectives of Islamic law) (Kadir & Zaelani, 2023, p. 158). This aligns with Indonesia's positive legal system which has very comprehensive regulations regarding child protection, ranging from the 1945 Constitution to various special laws and regulations (Kifli & Ismail, 2022, p. 417). Harmonization between Islamic law and positive law becomes key in creating a comprehensive and effective protection system (Hasibuan, 2021, p. 5118). Another important aspect is the recovery of trauma victims which must be a priority in case handling, considering the long-term psychological impacts that can affect child development (Atharwan, 2023, p. 116). A holistic approach that combines legal, social, and psychological aspects is needed to provide optimal protection for children as the nation's future generation (Kadir & Zaelani, 2023, p. 159).

2. Forms of Legal Protection

Legal protection for child victims of sexual violence has several complementary dimensions (Bevan, 2024). The preventive dimension serves as the frontline in prevention efforts through education programs and socialization about sexual violence prevention involving all elements of society. Early detection and reporting systems become important components, supported by strict monitoring of media content that could potentially harm children. Family and community empowerment programs in child protection are implemented systematically, including establishing safe zones for children in educational and social environments. The repressive aspect emphasizes strict case handling and law enforcement, with a responsive and professional criminal justice system (Fausi, 2024). Protection of victim identity and comprehensive legal assistance become priorities, accompanied by structured rehabilitation and trauma recovery programs. A restorative justice approach is applied to ensure not only punishment of perpetrators but also victim recovery. Medical and psychological protection is implemented through immediate medical treatment and ongoing counseling programs by professional staff. The social protection dimension focuses on preventing stigma and facilitating reintegration into society, with optimal community support to create a conducive recovery atmosphere.

3. Legal Basis for Child Protection

Legal protection for children in Indonesia has strong foundations, both from Islamic law and positive law perspectives (Rahman et al., 2021). In the context of Islamic law, the Quran and Hadith provide explicit guarantees for children's rights and obligate Muslims to protect children from all forms of violence and exploitation (de Oliveira & Clementino, 2024). This aligns with Indonesia's constitution, where the 1945 Constitution explicitly mandates the state to protect every child from violence and discrimination (Syarif et al., 2022). To implement this constitutional mandate, Indonesia has various special laws that specifically regulate child protection, such as the Child Protection Law and the Juvenile Criminal Justice System Law. Indonesia's legal system also implements strict sanctions for perpetrators of crimes against children, supported by a judicial system designed to protect the best interests of child victims. This national legal framework is strengthened by various international conventions ratified by Indonesia, such as the UN Convention on the Rights of the Child, which provides additional protection standards and strengthens Indonesia's commitment to protecting children from all forms of violence and exploitation.

B. Sexual Violence Against Children

1. Definition of Sexual Violence

Sexual violence against children is a very serious crime as it can permanently damage children's future and development. From the perspective of Islamic law, violence against children is strictly prohibited and perpetrators can be subject to severe punishment according to the level of crime committed. Children as a vulnerable group need special protection from various parties, considering the significant psychological trauma impact that can affect children's mental condition in the long term. This trauma can disrupt children's normal growth and development process, affecting academic achievement, social skills, and personality formation in adulthood. Therefore, society has a moral obligation to protect children from various forms of sexual violence. Efforts to prevent sexual violence against children are a shared responsibility that requires active participation from all elements of society, from families, educational institutions, religious leaders, to law enforcement officers. A comprehensive and integrated protection system is needed to effectively prevent and handle cases of sexual violence against children.

2. Forms of Sexual Violence Against Children

Sexual violence against children can manifest in various forms that damage children both physically and psychologically. Physical abuse is a form of violence that directly harms the child's body, while sexual exploitation involves trafficking and commercialization of children for sexual purposes. In the digital era, new threats have emerged in the form of digital violence that endangers children in cyberspace through various online platforms. Incest or sexual violence within the family becomes a very destructive form as it destroys children's trust in their closest relatives. Abuse of authority in educational institutions is also a serious concern, where unscrupulous educators exploit their position to commit sexual violence. Verbal violence that wounds children mentally often becomes the beginning of more serious acts of violence. Forced sexual activity is a form of direct violence that is very traumatic for children. The phenomenon of online grooming is also increasingly concerning, where sexual predators use social media and digital platforms to ensnare children as victims. All these forms of violence require serious and comprehensive handling to protect children from their long-term impacts.

3. Causes of Sexual Violence Against Children

Sexual violence against children is the result of complex interactions between various interrelated factors. From an Islamic law perspective, the root of this problem can be traced to the weak implementation of religious and moral values in society, reflected in weak faith (*dha'ful iman*) which leads to an inability to control desires. Internal perpetrator factors include psychological disorders, past trauma, sexual orientation deviations, and inability to control sexual urges. Family and environmental conditions such as family dysfunction, lack of parental supervision, and weak community monitoring systems create gaps for violence to occur. Technological developments that are not balanced with adequate moral filters and supervision, as well as easy access to pornographic content, add to children's vulnerability. Structural factors such as poverty, social inequality, and suboptimal child protection systems, coupled with socio-cultural factors such as patriarchal culture and social stigma, further worsen this situation.

4. Impact of Sexual Violence on Children

Sexual violence against children causes very serious and complex impacts, physically, psychologically, and socially. Physically, victims may experience injuries, damage to reproductive organs, sexually transmitted diseases, and unwanted pregnancies. The psychological impacts experienced are very severe, including deep trauma, depression, anxiety, personality disorders, and various other mental disorders that can persist into adulthood. Victims often experience traumatic flashbacks, nightmares, and difficulty establishing healthy interpersonal relationships. Socially,

victims face stigmatization from society, difficulties in socializing, and barriers in developing their potential. The academic impact is also significant, where trauma can interfere with concentration and academic achievement, even leading to dropping out of school. Long-term impacts can affect victims' ability to lead normal lives in adulthood, including in building families and carrying out social roles in society.

C. Children as Crime Victims

1. Definition of Children as Victims

Children as crime victims are in a very vulnerable position and require special protection from the state and society. From a victimology perspective, children who become crime victims experience more serious impacts compared to adult victims, considering the psychological and social conditions of children who are still in the developmental stage. Victimization of children can cause long-term trauma that affects children's growth, development and future.

2. Factors Causing Children to Become Victims

Several factors that cause children to be vulnerable to becoming crime victims include: children's physical and mental powerlessness, lack of supervision and protection from parents or guardians, unsafe environmental factors, and children's minimal knowledge about potential dangers and ways to protect themselves. Economic and social factors also play a significant role, where poverty and family dysfunction can increase children's vulnerability to various forms of crime.

3. Impact of Victimization on Children

Victimization of children causes complex impacts that affect various aspects of the victim's life. Psychologically, children may experience trauma, depression, anxiety, and personality disorders. Social impacts include difficulty interacting, self-isolation, and stigmatization from the environment. Academically, trauma can interfere with children's concentration and academic achievement. Long-term impacts can continue into adulthood, affecting social abilities, careers, and family life in the future.

RESEARCH FINDINGS AND DISCUSSION

A. Legal Protection for Child Victims of Sexual Violence in Islamic Criminal Law

1. Normative Foundation of Child Protection in Islam

Islamic law views child protection as a fundamental obligation based on the Quran and Hadith. This is reflected in the word of Allah SWT in QS. At-Tahrim verse 6:

يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ

"O you who believe! Protect yourselves and your families from a Fire whose fuel is people and stones."

Ibn Kathir in his interpretation emphasizes the importance of educating and protecting children as an obligation of every Muslim. Family protection becomes fundamental to prevent destruction in this world and the hereafter. Child safety must be a top priority in every aspect of life, where good family education will bring goodness to the entire society. This aligns with Islamic teachings that place children as a trust that must be guarded with full responsibility.

The Prophet Muhammad SAW also emphasized the importance of child protection in a hadith narrated by Bukhari:

كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ

"Each of you is a leader and each of you will be held accountable for those under your leadership." (Narrated by Bukhari).

This concept emphasizes that children are a trust from Allah SWT that must be protected and safeguarded in the best possible way. The preventive approach becomes the main focus in preventing sexual violence against children, by strengthening family institutions as the frontline in the protection system. The family has a vital role in providing Islamic moral and character education from an early age, which becomes the main foundation in forming strong character and personality in children.

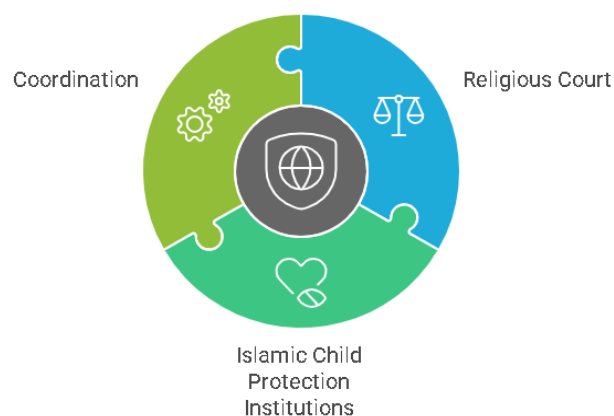
The implementation of child protection in Islam is carried out through a comprehensive and integrated system. This system involves the active role of three important elements: family as the smallest unit of society, community as a supportive social environment, and the state as the highest authority in law enforcement. These three elements work together in creating a safe and conducive environment for children's growth and development. Islamic values that serve as moral foundations are strengthened through educational and socialization programs involving all components of society.

The protection aspect in Islamic law not only covers the preventive dimension but also includes comprehensive victim handling and recovery (Mukhlis, Janwari, et al., 2023; Mukhlis & Abdullah, 2025). A strict sanctions system in the form of hudud and ta'zir is applied to perpetrators, while victims receive comprehensive protection covering physical, psychological, and social aspects. Trauma recovery and social reintegration programs are designed by considering Islamic values and victims' specific needs. This approach emphasizes the importance of balance between strict law enforcement and effective recovery efforts to create an optimal child protection system.

2. Implementation of Islamic Legal Protection

The implementation of Islamic legal protection for child victims of sexual violence is carried out through the active role of various Islamic institutions working in coordination (Kadir & Zaelani, 2023, p. 159). The Religious Court as an Islamic judicial institution has a strategic role in providing legal protection, both in preventive and repressive aspects. Islamic child protection institutions established by religious organizations contribute to providing assistance and advocacy for victims, by prioritizing approaches that align with Islamic sharia values.

Islamic Legal Protection for Child Victims



Prevention and early detection systems are developed by utilizing the network of Islamic boarding schools (pesantren) and madrasas that are widely spread throughout the community. These Islamic educational institutions not only function as learning centers but also serve as effective community-based surveillance systems in preventing sexual violence against children (Atharwan, 2023, p. 91). Educational and socialization programs on child protection are integrated into the Islamic education curriculum, creating collective awareness about the importance of protecting children from all forms of violence.

Victim assistance is carried out with a holistic approach that combines legal and Islamic spiritual aspects. Trauma recovery programs are developed by considering victims' spiritual needs, where strengthening faith and religious understanding become an integral part of the healing process. Religious scholars and leaders are involved in providing spiritual guidance that can help restore victims' psychological conditions. This approach has proven effective in helping victims overcome trauma and rebuild their confidence to return to society.

3. Sanctions and Recovery in Islamic Law

Islamic law views sexual violence against children as a serious crime that requires comprehensive handling through the hudud and ta'zir sanctions system. This is based on the word of Allah SWT in QS. Al-Isra verse 32:

وَلَا تَقْرَبُوا الزَّانِئَةَ إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا

"And do not approach adultery. Indeed, it is ever an immorality and is evil as a way."

Islam strictly prohibits adultery and anything that leads to it. Sexual violence is a serious violation of Islamic law that must be prevented, especially against children who must receive maximum protection. Perpetrators of sexual crimes will be subject to very severe punishment in accordance with sharia provisions.

The Prophet Muhammad SAW also said in a hadith narrated by Imam Ahmad:

مَنْ قَتَلَ نَفْسًا مُعَاهِدًا لَمْ يَرِحْ رَائِحَةَ الْجَنَّةِ وَإِنَّ رِيحَهَا لِيُوجَدُ مِنْ مَسِيرَةِ أَرْبَعِينَ عَامًا

"Whoever kills a protected soul will not smell the fragrance of Paradise, even though its fragrance can be smelled from a distance of forty years' journey."

The Islamic scholars draw an analogy between this hadith and sexual violence against children, which is also a form of "murder" of the child's future and normal life.

In Islamic law, hudud sanctions are punishments that have been established based on the Quran and Hadith, while ta'zir gives judges the authority to determine the form of punishment according to considerations of benefit. The application of these sanctions has a dual purpose: to provide a deterrent effect to perpetrators and to uphold justice for victims. This comprehensive sanctions system not only focuses on punishment but is also designed to prevent similar crimes in the future, thereby protecting other children from becoming victims of sexual violence. This approach reflects the principle of restorative justice in Islamic law which emphasizes the restoration of social balance.

The victim recovery process in Islamic law perspective is implemented through a holistic approach that integrates spiritual, psychological, and social aspects (Mukhlis, 2025a; Mukhlis & Saidah, 2025). The rehabilitation program is designed to heal trauma and strengthen victims' mental resilience through intensive spiritual guidance, psychological counseling based on Islamic values, and continuous social assistance. This approach emphasizes the importance of rebuilding the victim's relationship with Allah SWT as a source of strength and healing, while paying attention to mental health aspects and social adjustment.

The implementation of recovery programs involves the active role of various parties in the victim support system. The family as the closest unit plays an important role in providing emotional and spiritual support, while the Muslim community plays a role in creating an environment that

supports the recovery process. Professionals such as Islamic counselors, psychologists, and social workers collaborate in multidisciplinary teams to provide comprehensive recovery services. The program also includes assistance in the social reintegration process to help victims return to normal life with stronger self-confidence.

B. Legal Protection for Child Victims of Sexual Violence in Indonesian Positive Law

1. Child Protection Regulations in Indonesia

Legal protection for children in Indonesia is comprehensively regulated through various legal instruments, with the 1945 Constitution as the main constitutional foundation that guarantees children's fundamental rights. The state has an obligation to protect every Indonesian child from various forms of violence, exploitation, and discriminatory treatment. The constitution provides security guarantees for Indonesian children through various provisions governing children's rights to survival, growth and development, protection from violence and discrimination, and the right to participate optimally in accordance with human dignity. Child protection regulations are implemented through a series of laws and regulations specifically designed to prevent violence against children and ensure that the best interests of children are always the main consideration in every policy and action concerning children. A strict sanctions system is applied to perpetrators of violence against children, including the application of chemical castration punishment for perpetrators of sexual crimes against children, as an effort to provide a deterrent effect and prevent similar crimes from recurring in the future.

The legal protection aspects in these regulations encompass complementary preventive and repressive dimensions. In the preventive dimension, the focus is given to prevention efforts through education and socialization programs involving various stakeholders. These prevention programs are systematically designed by involving the active roles of families, communities, and educational institutions. Meanwhile, in the repressive aspect, emphasis is placed on handling cases that have occurred with an approach that favors the interests of victims, including legal assistance to ensure victims' rights are fulfilled during legal proceedings. Trauma recovery and rehabilitation programs are holistically designed to address the impacts of sexual violence against children, including intensive psychological counseling and therapy, as well as adequate physical health treatment.

The implementation of this legal protection involves the active role of various institutions and society as key to success. LPSK and P2TP2A serve as the frontline in providing protection and victim assistance, while legal aid institutions provide necessary legal assistance. Child protection organizations provide specific program support, backed by the role of community leaders in prevention and recovery efforts. An effective monitoring and evaluation system is implemented to ensure the quality and sustainability of protection programs, including systematic monitoring of recovery programs and periodic evaluation of the impact of interventions. The service system is continuously improved based on evaluation results, supported by effective inter-agency coordination and periodic reporting as important instruments in monitoring the development and effectiveness of the overall protection program.

C. Comparative Analysis of Legal Protection for Child Victims of Sexual Violence

1. Similarities and Differences in Protection Concepts

A comparative analysis between Islamic law and Indonesian positive law in protecting child victims of sexual violence reveals several significant similarities and differences. Both legal systems share the same goal of providing maximum protection for children from various forms of violence. They both place the best interests of the child as the top priority in every policy and action concerning children. The protection systems developed are comprehensive, covering aspects of prevention,

handling, and recovery to ensure children's safety. Victim recovery becomes an important focus in both systems, with emphasis on psychological support and social reintegration. Prevention of victimization also receives special attention through various educational and socialization programs. The main difference lies in the philosophical foundation, where Islamic law is based on divine values and sharia, while positive law emphasizes human rights principles. However, this difference in philosophical foundation does not diminish the quality of protection provided to children, but rather complements each other in creating a more comprehensive and effective protection system.

The procedural aspects in both legal systems show their own complexities in implementing child protection. The process begins from the reporting and complaint stage, followed by investigations that consider the specificity of child cases, court examinations with procedures that ensure victim protection, up to the implementation and supervision of decisions to ensure protection effectiveness. Institutional structure and coordination demonstrate complexity in the division of authority between related institutions, which is clearly regulated to avoid overlapping and gaps in responsibility. Coordination mechanisms are developed to ensure effective and efficient case handling, supported by planned resource allocation and adequate monitoring systems for continuous evaluation. The implementation of legal protection faces various structural challenges such as limited infrastructure and resources, which are exacerbated by cultural and social resistance to some forms of legal intervention.

2. Effectiveness of Criminal Sanctions

The criminal sanctions system in Indonesia is designed to provide maximum protection for children from acts of sexual violence. In passing judgments, judges must consider the impact experienced by victims as a basis for determining appropriate punishment. The application of severe penalties for perpetrators of sexual crimes against children is intended to provide a deterrent effect and prevent similar crimes in the future. From an Islamic perspective, the application of fair punishment through the hudud system aims to protect the honor and dignity of child victims. Victim recovery becomes a top priority in case handling processes, using a comprehensive approach covering legal, psychological, and social aspects. The integration between the criminal sanctions system and victim recovery efforts creates an effective protection mechanism in ensuring justice and welfare for child victims of sexual violence.

Evaluation of sanctions implementation shows variations in effectiveness and impact on crime prevention. Analysis of recidivism rates provides insights into deterrence effectiveness, while victim trauma recovery becomes an important indicator in measuring the success of the protection system. Public perception of sanctions effectiveness influences public trust in the legal system. Alternative punishments continue to be developed, including rehabilitative sanctions and structured offender development programs, supported by a restorative justice approach to facilitate relationship recovery between perpetrators, victims, and society. The victim compensation system and post-punishment supervision are implemented systematically to ensure the effectiveness of rehabilitation programs and prevention of crime recurrence. Recommendations for improving the sanctions system emphasize strengthening prevention aspects and increasing effectiveness through comprehensive legal system harmonization.

3. Harmonization of Islamic Law and Positive Law

The harmonization between Islamic law and Indonesian positive law shows significant alignment in efforts to protect child victims of sexual violence. Both legal systems place child protection as the main focus with very detailed regulations regarding the definition of criminal acts and their sanctions. The state has a constitutional obligation to protect child victims of violence, which is implemented through a systematic reporting system that prioritizes victim testimony. The harmonization of these two legal systems has created a comprehensive protection mechanism, covering aspects of prevention, handling, and victim recovery. Although integration occurs, the distinctive characteristics of each system are maintained, where Islamic law provides a religious moral foundation while positive law provides a structured procedural framework. This synergy results in a stronger and more effective protection system in protecting the interests of child victims of sexual violence.

The integration of the two legal systems is carried out through the application of Islamic values in positive law and the adoption of modern mechanisms in Islamic law implementation. Legal procedure synchronization creates an effective and efficient system, supported by institutional strengthening in child protection. The harmonization model is developed by considering the unique characteristics of each system while maintaining the essence of child protection. The strengthening of the integrated system emphasizes effective inter-agency coordination, standardization of handling to ensure consistent service quality, and capacity building of law enforcement officers. The involvement of religious leaders and optimization of community roles become important components in the integrated protection system, creating a solid protection network from the grassroots level to national policy.

CONCLUSION

This research demonstrates that legal protection for child victims of sexual violence in Islamic law perspective is built upon the foundation of maqashid sharia which aims to protect children's lives and dignity. This protection system is implemented through strict sanctioning mechanisms in the form of hudud and ta'zir for perpetrators, accompanied by comprehensive protection for victims covering aspects of prevention, handling, and recovery. The protection framework in Islamic law emphasizes the importance of active roles from three main pillars: family as the smallest unit of society, community as a supportive social environment, and the state as the highest authority in law enforcement. This system is strengthened by religious values that serve as the moral foundation in creating a safe and conducive environment for children's growth and development. The findings contribute to the existing body of knowledge by demonstrating how maqashid sharia can be operationalized as a normative and practical framework within contemporary child protection systems, offering an integrative model that bridges classical Islamic legal principles with modern legal mechanisms.

In the context of Indonesian positive law, the implementation of legal protection is realized through a series of complementary legal instruments, with the Criminal Code and Child Protection Law as the main legal umbrella. This system regulates in detail the application of criminal sanctions for perpetrators and victim protection mechanisms that are always guided by the principle of the best interests of the child. The protection program is carried out through two main approaches: preventive, which emphasizes education and socialization to prevent crime, and repressive, which focuses on strict law enforcement and comprehensive victim recovery programs, covering physical, psychological, and social aspects. This comparative analysis highlights Indonesia's unique hybrid legal structure, showing how Islamic legal values complement statutory frameworks to strengthen child protection efforts, thereby filling the gap in previous studies that have typically examined these systems in isolation rather than as an integrated model.

Islamic law provides comprehensive protection for child victims of sexual violence through a strict sanctions system and holistic protection programs. Islamic values integrated into Indonesian positive law have strengthened the overall child protection system. The holistic protection approach, covering aspects of prevention, handling, and recovery, has proven effective in preventing and handling cases of violence against children. This is supported by strong institutional structures and good coordination between law enforcement agencies and child protection institutions. The active role of various stakeholders, including families, communities, and government, is key to the successful implementation of the protection system. Crime prevention programs run more effectively with community-based approaches, while victim recovery programs have a positive impact on the trauma healing process and social reintegration. Overall, the child protection system in Indonesia shows significant development in providing maximum protection for child victims of sexual violence.

Recommendations

Policymakers need to take strategic steps in revising and harmonizing legislation related to the protection of child victims of sexual violence. The main focus is integrating Islamic legal values into Indonesian positive law through strengthening coordination mechanisms between law enforcement agencies and child protection institutions. This must be supported by adequate budget allocation for prevention, handling, and victim recovery programs. The development of standard operating procedures that favor the best interests of children and effective monitoring systems are important components in policy implementation. Increasing the capacity of law enforcement officers is also a priority through special training programs that continuously integrate Islamic law and positive law

perspectives. The case handling monitoring and evaluation system needs to be strengthened to ensure maximum protection for victims, supported by structured and transparent reporting mechanisms.

Child protection institutions have a major responsibility in developing comprehensive prevention and case handling programs by integrating Islamic law and positive law approaches. Strengthening cooperation networks with religious and community leaders is key to effective prevention and case handling efforts. Victim assistance and rehabilitation programs must be developed using evidence-based methods that consider victims' specific needs and local socio-cultural contexts. The active role of communities and religious leaders is essential in preventing child sexual violence through community-based education and supervision. Support for victim rehabilitation and social reintegration programs must be realized by eliminating negative stigma that can hinder victim recovery.

The contribution of academics and researchers plays a vital role in developing effective child protection systems through continuous research on the harmonization of Islamic law and positive law. The development of innovative legal protection models must consider local contexts and religious values prevailing in society. Evidence-based research becomes an important foundation for improving child protection systems, supported by research publications accessible to all stakeholders. Participation in developing effective reporting and case handling systems at the community level becomes a concrete form of public involvement in child protection. Collective awareness of the importance of crime prevention must be continuously enhanced through various educational and socialization programs involving all components of society.

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