VIOLENCE AGAINST CHILDREN IN THE CYBERSPACE:
A NEW CHALLENGE TO ISLAMIC LAW

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Abstrak

Penelitian ini mengkaji penerapan maqāṣid al-syarī'ah dalam kerangka regulasi siber nasional, khususnya terkait perlindungan anak di ruang digital. Dengan menggunakan pendekatan kualitatif normatif, penelitian ini menganalisis regulasi perundang-undangan yang relevan, literatur maqāṣid klasik dan kontemporer, serta kajian terbaru mengenai bentuk-bentuk kejahatan digital terhadap anak. Hasil penelitian menunjukkan bahwa ekosistem digital menghadirkan berbagai ancaman multidimensi terhadap perlindungan akal (ḥifẓ al-'aql), keturunan (ḥifẓ al-nasl), dan harta (ḥifẓ al-māl), sehingga diperlukan suatu kerangka integratif yang menjembatani tujuan hukum Islam dengan tata kelola siber modern. Studi ini menemukan adanya kekosongan nilai dalam struktur regulasi siber Indonesia, terutama ketiadaan paradigma etis berbasis maqāṣid dalam pengaturan perlindungan anak secara digital. Kebaruan penelitian ini terletak pada perumusan model integrasi konseptual baru antara maqāṣid al-syarī'ah dan regulasi siber nasional untuk perlindungan anak. Model integratif ini belum pernah dikemukakan dalam penelitian sebelumnya dan memberikan dasar konseptual bagi pengembangan pedoman kebijakan serta tata kelola digital berbasis ta'zīr di masa mendatang.

Kata Kunci: Anak; Hukum Islam; Kekerasan Digital; Maqāṣid al-Syarī'ah; Ijtihad

Abstrak

This study examines the application of maqāṣid al-syarī'ah in the framework of national cyber regulations, especially related to child protection in the digital space. Using a normative qualitative approach, this study analyzes relevant laws and regulations, classical and contemporary maqāṣid literature, and recent studies on forms of digital crimes against children. The results show that the digital ecosystem presents various multidimensional threats to the protection of reason (ḥifẓ al-'aql), heredity (ḥifẓ al-nasl), and property (ḥifẓ al-māl), so an integrative framework is needed that bridges the goals of Islamic law with modern cyber governance. This study found that there is a value gap in Indonesia's cyber regulatory structure, especially the absence of a maqāṣid-based ethical paradigm in digital child protection arrangements. The novelty of this research lies in the formulation of a new conceptual integration model between maqāṣid al-syarī'ah and national cyber regulations for child protection. This integrative model has never been proposed in previous research and provides a conceptual basis for the development of ta'zīr-based digital governance policy guidelines and governance in the future.

Keywords: Children; Islamic Law; Digital Violence; Maqāṣid al-Syarī'ah; Ijtihad

A. Introduction

The phenomenon of violence against children in cyberspace has become a worrying global issue in the digital era. Information technology transformation not only brings ease of communication and access to information, but also opens up space for various forms of online-based violence, such as *cyberbullying*, online sexual exploitation, and digital manipulation. Children as active users of the internet are the most vulnerable group to this risk, especially due to the limited ability to distinguish between private and public spaces in the digital world.[1] In the social context, this digital violence has very complex psychological, social, and moral impacts, requiring multidisciplinary attention, including from the perspective of Islamic law.[2]

The development of social media and digital technology has expanded the definition of violence against children from a physical form to a non-physical form that is digital. This kind of violence not only involves the perpetrator directly, but can also be carried out anonymously and widely spread without the limits of space and time.[3] Forms of digital violence include online insults, the dissemination of child pornography content, the exploitation of personal data, and psychological digital threats. The World Health Organization emphasizes that violence against children in the digital world must be seen as an integral part of violence against children in a broad sense, which requires a holistic legal and ethical approach.[4]

In the context of Islamic law, the issue of digital violence against children is a new challenge that requires a reinterpretation of the principles of child protection. Basic concepts such as *ḥifẓ al-nafs* (protection of the soul) and *ḥifẓ al-ʿird* (protection of honor) in *maqāṣid al-sharīʿah* actually encompass all forms of protection, both physical

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[1] Andra Siibak, dan Giovanna Mascheroni, "Children's Data and Privacy in the Digital Age CO:RE Short Report Series on Key Topics," ResearchGate, Januari 2022, https://doi.org/10.21241/ssoar.76251.

[2] Kasiyan Kasiyan, "Menuju Pemahaman Komprehensif Fenomena Selfie: Mengeksplorasi Kontradiksinya Dalam Kerangka Aksiologis Seni," *Imaji: Jurnal Seni Dan Pendidikan Seni* 22, no. 1 (2024): 12–22, https://doi.org/10.21831/imaji.v22i1.72427.

[3] Andra Siibak, dan Giovanna Mascheroni, "(PDF) Children's Data and Privacy in the Digital Age CO."

[4] "Global Status Report on Violence against Children 2020," diakses 18 Oktober 2025, https://www.who.int/teams/social-determinants-of-health/violence-prevention/global-status-report-on-violence-against-children-2020.

and non-physical.[5] However, the application of these principles in the context of cyberspace is still not widely discussed in classical fiqh literature. Therefore, contextual ijtihad efforts are needed that are able to respond appropriately and adaptively to the phenomenon of digital violence to rapid social change.

In addition, Islamic law has a long tradition of protecting vulnerable groups, including children, through the concept of maslahah mursalah and the principle of social justice. In the digital context, this principle can be translated as the obligation of the state, society, and individuals to create a safe online environment for children. Research by Al-Qaradawi confirms the importance of the role of ijtihad jamā'ī (collective ijtihad) in dealing with new issues not found in the classical literature, including in the areas of digital ethics and child protection. This shows that Islamic law has epistemological flexibility to respond to the challenges of the times, including technology-based violence.[6]

Digital violence against children is not only an individual problem, but also has an impact on the social and moral order of Muslim society. The impacts that arise include a decrease in the value of modesty, moral damage, and long-term psychological disorders in children.[7] From the perspective of Islamic law, this is contrary to the purpose of the shari'a which emphasizes the welfare and protection of children as part of maqāṣid al-sharī'ah. Therefore, the discussion of digital violence against children cannot be separated from efforts to reform Islamic law to remain relevant to the conditions of contemporary society.

In Indonesia, the urgency of child protection in the digital realm is increasing along with the increase in internet access among children and adolescents. Data from the Ministry of Communication and Information Technology (Kominfo, 2023) shows that more than 30% of internet users in Indonesia are school-age children, with a significant increase in the risk of digital violence every year.[8] In this regard, national

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[5] *Maqasid Al-Shariah, Ijtihad and Civilisational Renewal* (INTERNATIONAL Institute O, 2012).

[6] Yusuf Al-Qaradawi, *Fiqh al-Awlawiyyat: A New Vision for Islamic Jurisprudence* (Al-Maktabah Al-Wahbah, 2017).

[7] UNICEF, *State of the World's Children 2023: For Every Child, Digital Safety* (UNICEF Publications, 2023).

[8] Kementerian Komunikasi dan Informatika Republik Indonesia, *Laporan Tahunan Perlindungan Anak di Ruang Digital* (Kominfo Press, 2023).

law has sought to provide protection through the Child Protection Act and the ITE Act. However, the normative dimension of Islam in this protection effort still needs to be strengthened through a comprehensive study of contemporary fiqh.

Thus, this study places the issue of violence against children in cyberspace as a new challenge for Islamic law that requires multidimensional analysis. This study not only highlights forms of digital violence, but also explores the relevance of the concept of child protection in classical Islamic law and offers a contextual formulation of legal ijtihad. Through this approach, it is hoped that research can contribute to the development of modern social fiqh and strengthen an Islamic legal system that is responsive to contemporary digital challenges.

This research conceptually seeks to answer a number of important problems that arise from this phenomenon. The main questions raised include: what are the forms of digital violence against children in the contemporary context; how the concept of child protection in classical Islamic law and its relevance to the digital context; and how to formulate the appropriate Islamic legal ijtihad to respond to digital violence against children. These three questions are formulated to provide a clear direction for research to be solution-oriented, not just a description of a phenomenon.

Based on the formulation of the problem, this study aims to identify various forms of digital violence against children, analyze the concept of child protection in Islamic law, and formulate Islamic legal formulations that are relevant to the challenges of the digital era. Through a normative-theological approach and social analysis, this research is expected to be able to show the relationship between basic sharia values and the urgency of child protection in cyberspace. The approach is also expected to be able to integrate Islamic legal theory and practice in the modern social context.

Theoretically, this research is expected to enrich the treasures of contemporary fiqh development, especially in the fields of fiqh al-ijtima'i (social fiqh) and Islamic family law. This research is expected to be an academic contribution in building an Islamic legal framework that is adaptive to the development of digital technology. Practically, the results of this research can be used as a reference by Islamic legal

institutions, the government, and society in designing child protection policies and systems based on sharia values. Thus, this research is expected not only to provide conceptual understanding, but also to produce real benefits for strengthening child protection in cyberspace.

This study uses a juridical-normative approach with a descriptive-analytical method, which aims to examine Islamic legal norms related to digital violence against children in the contemporary social context. The approach used is sharia and sociological; The shari'i approach serves to examine the principles of child protection in Islamic law such as ḥifẓ al-nafs, ḥifẓ al-'ird, and ḥifẓ al-nasl, while the sociological approach is used to understand the empirical reality of digital violence in modern society.

Research data was obtained through literature studies that included primary sources in the form of the Qur'an, Hadith, and classic fiqh books, as well as secondary sources such as books, scientific journals, and regulations related to cyber law and child protection. The analysis was carried out using the legal istinbāṭ method, which is the process of drawing up the law through contextual ijtihad principles that integrate shari'i postulates with methodological instruments such as qiyās, maslahah mursalah, and istihsān, resulting in a formulation of Islamic law that is relevant and adaptive to the challenges of digital violence against children in the era of modern technology.

B. Islamic Law's Perspective on Child Protection in the Digital Age

In Islamic teachings, children are seen as a trust and gift from Allah who has a noble position and rights that must be preserved from the beginning of life. According to sharia, children are not just family members, but also part of the next generation of the ummah who must be protected from various forms of tyranny, both physical, social, and moral.[9]

In classical jurisprudence, the stages of child development are grouped into ṣabiy, mumayyiz, and bāligh, each with different legal consequences and

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[9] M. H. Kamali, *Maqasid al-Shariah and the Foundations of Islamic Ethics* (Islamic Texts Society, 2019).

responsibilities.[10] This classification shows that Islam pays close attention to the phases of child development, not only in terms of worship, but also in terms of protection. Thus, the Islamic legal framework places children as legal subjects whose fitrah and honor must be maintained in every phase of their lives.

The concept of child protection in Islamic law is deeply rooted in the main objectives of sharia or maqāṣid al-shari'ah, especially in terms of safeguarding the soul (ḥifẓ al-nafs) and safeguarding offspring (ḥifẓ al-nasl). These two principles affirm that all forms of acts that threaten the safety, welfare, and future of children are included in the category of prohibited acts.[11]

If we talk about digital violence, this principle is very relevant because cyberspace can be a source of new threats that subtly and gradually damage children's nature.[12] Therefore, every effort to create a safe digital space for children is part of the application of sharia maqāṣid. This shows that Islam not only focuses on the rigid rule of law, but also emphasizes the protection of human values and social balance in the era of modern technology.

When facing the phenomenon of digital violence, the concept of sadd al-dharī'ah or prevention of everything that has the potential to cause damage plays a very important role. This principle teaches that all paths to crime must be closed before damage occurs, including the use of digital media by children.[13] Parents, teachers, and the state have a responsibility (mas'ūliyyah) to ensure that children's access to technology is within ethical and educational limits.[14]

In this case, Islamic law provides a moral basis for digital violence prevention policies, such as online content surveillance, Islamic digital literacy education, and restrictions on access to harmful sites. Thus, sadd al-dharī'ah is not only a classic fiqh

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[10] Y. Al-Qaradawi, *Fiqh al-Awlawiyyat: A New Vision for Islamic Jurisprudence* (Al-Maktabah Al-Wahbah, 2017).

[11] rufia Wahyuning Pratiwi, "Perlindungan Hukum Terhadap Kelalaian Pemenuhan Pembayaran Nafkah Anak Pasca Perceraian Berdasarkan Putusan Pengadilan Agama Blitar," *Negara Dan Keadilan* 9, no. 1 (2020): 50–61, https://doi.org/10.33474/hukum.v9i1.7491.

[12] J. Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (The International Institute of Islamic Thought, 2021).

[13] Ibn al-Qayyim al-Jawziyyah, *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin*, vol. 4 (Dar Ibn al-Jawzi, 2013).

[14] UNICEF, *State of the World's Children 2023: For Every Child, Digital Safety*.

principle, but also an ethical solution that is applicable to child protection in the digital age.[15]

In addition to the preventive aspect, Islamic law also recognizes the concept of ta'zīr as a form of flexible sanctions for actions that are not explicitly mentioned in the Qur'an and Hadith, but cause harm to society. In the context of digital violence against children, the concept of ta'zīr can be used to punish perpetrators of the spread of harmful content, online sexual exploitation, or cyberbullying.[16]

The elastic nature of ta'zīr allows Islamic legal authorities or states to apply sanctions appropriate to the level of danger and social impact posed by digital acts. Thus, Islamic law has a dynamic instrument that is able to reach contemporary acts that were unknown in classical times, including digital crimes against children.[17] This approach shows the relevance of contextual and progressive Islamic law in responding to the challenges of the times.

The normative basis for the obligation to protect children is also reflected in the primary sources of Islam. The Qur'an in QS. An-Nisā' verse 9 warns Muslims not to leave behind a weak generation, either physically, morally, or spiritually. This verse emphasizes the importance of collective responsibility in maintaining the sustainability of the generation through proper protection and education.[18]

The Prophet Muhammad PBUH also affirmed the principle of responsibility in his words: "Each of you is a leader, and every leader will be held accountable for those he leads" (HR. Bukhari and Muslim). This hadith contains not only moral values, but also legal principles that demand the active role of parents, society, and the

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[15] Holipah Holipah dan Asmawati Asmawati, "Analisis Kebijakan Perlindungan Kekerasan Terhadap Anak Di Kota Palembang," *Responsive: Jurnal Pemikiran Dan Penelitian Administrasi, Sosial, Humaniora Dan Kebijakan Publik* 5, no. 4 (2022): 197–207, https://doi.org/10.24198/responsive.v5i4.43264.

[16] wahbah Az-Zuhaili, *Fikih Islam Wa Adillatuhu*, vol. 9 (Gema Insani, 2011).

[17] Asiyah Jamilah, "Ketika Anak Melukai: Tinjauan Hukum Islam Tentang Tanggungjawab Pidana Anak Dalam Kasus Kekerasan: When Children Injures: Islamic Law Perspective on the Criminal Responsibility of Children in Violence Case," *BUSTANUL FUQAHA: Jurnal Bidang Hukum Islam* 6, no. 1 (2025): 104–19, https://doi.org/10.36701/bustanul.v6i1.2054.

[18] Muhammad Abil Anam dan Munasir Munasir, "Childfree in Islamic Discourse: Analysis of Interpretation on QS. An-Nisa Verse 9," *Journal of Islamic Studies and Education* 3, no. 3 (2025): 51–60, https://doi.org/10.63120/jise.v4i3.77.

government in protecting children from digital dangers. Thus, Islam places child protection as an integral part of the mandate of leadership and social justice.[19]

In today's digital age, the perspective of Islamic law offers a comprehensive child protection paradigm—combining spirituality, morality, and social responsibility. Sharia principles can be used as the basis for shaping public policies, digital education curriculum, and technological ethics guidelines that are in line with Islamic values.[20]

Digital literacy based on sharia values will help children understand the ethical limits in the use of technology, while the state can use the principles of maslahah and ta'zīr as a reference in formulating positive laws in the cyber field. Thus, Islamic law is not only a legal system of the past, but also a universal moral system that is able to provide solutions to the challenges of child protection in cyberspace. This awareness is important so that Islamic values remain an ethical compass in facing the complexity of the increasingly global and unlimited digital era.

1. *The Phenomenon of Digital Violence Against Children and Its Impact*

The digital technology revolution has brought a major transformation in the order of social life, including changing the pattern of children in communicating, gaining knowledge, and spending time playing. But unfortunately, in addition to all the benefits obtained from cyberspace, variants of violence are also born that no longer depend on physical contact, but are present in the form of digital violence. What is meant by digital violence against children is any form of act carried out through technological devices such as smartphones, social networks, or other online platforms that cause psychological, social, and spiritual suffering for children.[21]

Livingstone and Stoilova (2023) stated that children are currently among the most active categories of internet users but at the same time the most vulnerable to the threat of online violence because their ability to understand digital privacy and ethical risks is still limited. This reality reflects the

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[19] Irka Muliyanty dkk., "Dasar Al-Qur'an Dan Hadits Tentang Kepemimpinan," *Journal on Education* 6, no. 4 (2024): 20928–35, https://doi.org/10.31004/joe.v6i4.6226.

[20] Mohamed Ibrahim Khalil, "Islam and the Challenges of Modernity," *Georgetown Journal of International Affairs* 5, no. 1 (2004).

[21] UNICEF, *State of the World's Children 2023: For Every Child, Digital Safety*.

paradigm shift of child violence from physical to non-physical, from the domestic realm to the virtual realm that is not easily controlled by the conventional legal system.[22]

The variety of digital violence that befalls children is very numerous and continues to grow along with the pace of advances in communication technology. One of the most common forms of cyberbullying is cyberbullying, which is an act of insulting, threatening, leaking personal information, or cornering children through digital media that can occur repeatedly without knowing time limits.[23]

In addition, there is also online grooming, which is a series of manipulation processes carried out by adults to gain children's trust for the purpose of sexual exploitation.[24] Other forms that are no less dangerous include the dissemination of child sexual exploitation content (CSEA), digital identity forgery, and psychological intimidation launched through social media. With the presence of artificial intelligence and social media algorithms, these forms of digital violence have become increasingly disguised and not easy to trace.[25] This reality proves that violence against children in cyberspace is a dynamic phenomenon and demands an adaptive legal approach based on moral values.

The consequences of digital violence against children are multidimensional and sustainable over the long term. From the psychological dimension, victims of online violence experience emotional trauma, anxiety disorders, insomnia, and depression that have the potential to hinder their

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[22] Sonia Livingstone dkk., "Children's Data and Privacy Online: Growing Up in a Digital Age," *New Media & Society* 22, no. 8 (2020): 1456–74, https://doi.org/10.1177/1461444819873420.

[23] Justin W. Patchin dan Sameer Hinduja, "Cyberbullying Among Youth: A Comprehensive Review," *Journal of Adolescent Health* 66, no. 2 (2020): S10–18, https://doi.org/10.1016/j.jadohealth.2019.09.004.

[24] H. Whittle dkk., "A Review of Online Grooming: Characteristics and Prevention Strategies," *Aggression and Violent Behavior* 58 (2021): 101563, https://doi.org/10.1016/j.avb.2020.101563.

[25] K. C. Montgomery dkk., "AI, Social Media, and Youth: The Hidden Threats of Algorithmic Manipulation," *Computers in Human Behavior* 152 (2024): 108184, https://doi.org/10.1016/j.chb.2023.108184.

personality development.[26] From the social dimension, children who are victims of cyberbullying tend to withdraw, lose confidence, and have difficulty building interpersonal relationships. In the long run, these impacts can cause self-identity disorders and feelings of alienation from the social environment.

Viewed from the spiritual and moral dimensions, digital violence is able to erode the clean nature of children, reduce sensitivity to the value of goodness, and fade ethical awareness in using technology. Therefore, this symptom is not only a social and psychological problem, but also a moral and religious problem that must be dealt with integrally.[27]

When viewed from the point of view of Islamic law, the protection of children has a solid theological foundation and is universal. The principles of maqāṣid al-sharī'ah emphasize the urgency of safeguarding the five essential aspects of human life: religion (ḥifẓ al-dīn), soul (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), heredity (ḥifẓ al-nasl), and honor (ḥifẓ al-'ird). Digital violence against children is clearly contrary to these five principles because it causes moral, psychological, and social damage.[28]

According to Islamic teachings, children are a trust that must be maintained, and any form of action that threatens their honor or safety is categorized as zulm (tyranny).[29] Therefore, Islamic law is not only against physical violence, but also all forms of non-physical violence that tarnish the dignity of children in cyberspace. This emphasizes that the responsibility of

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[26] J. W. Patchin dan S. Hinduja, "Cyberbullying and Online Harassment: Research Update and Emerging Issues," *Journal of Adolescence* 94 (2022): 542–56, https://doi.org/10.1016/j.adolescence.2021.12.005.

[27] Ulufiyatul Kamilah dkk., *Journal | Universitas Nahdlatul Ulama Surabaya*, t.t., diakses 18 Oktober 2025, https://journal2.unusa.ac.id/index.php/CEJ/article/view/1685.

[28] Kamali, *Maqasid al-Shariah and the Foundations of Islamic Ethics*.

[29] Andi Husnul dan Marilang Marilang, "Perlindungan Hukum Terhadap Hak-Hak Anak Jalanan Di Kota Makassar Perspektif Hukum Islam," *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 2, no. 3 (2021): 504–18, https://doi.org/10.24252/qadauna.v2i3.19329.

protecting children in the digital space is part of the religious mandate inherent in Muslims.[30]

Furthermore, Islamic law has a flexible normative mechanism to respond to new phenomena through the concept of ijtihād. In the context of digital violence against children, ijtihād is necessary to reinterpret classical legal principles to be relevant to contemporary conditions. Contemporary scholars such as Al-Qaradawi (2017).[31] and Auda (2021).[32] affirms that the maqāṣidī (based on sharia goals) approach allows the development of Islamic legal norms that are adaptive to modern social issues, including digital violence.

For example, the principle of sad al-dharā'i (closing the path to evil) can be used as a basis to prevent the spread of content that is harmful to children, while the concept of maslahah mursalah can be used to legitimize digital-based child protection policies.[33] Thus, Islamic law has a strong methodological foundation to respond constructively to the moral and social challenges of cyberspace.

The implementation of Islamic legal values in dealing with digital violence against children also has practical implications in the realm of policy and education. The government and educational institutions need to collaborate in building a digital protection system based on sharia values, such as trust, responsibility, and respect for human honor.[34] Islamic digital literacy education can be used as a preventive means to strengthen the moral awareness of children and parents in using technology.[35]

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[30] Ahmad Harisul Miftah dan Nadia Selvia, "Di Antara Konsepsi Hadhanah Dan Tradisi Dalam Pengasuhan Anak Kembar:," *Indonesian Journal of Shariah and Justice* 4, no. 2 (2024): 167–94, https://doi.org/10.46339/ijsj.v4i2.139.

[31] Y. Al-Qaradawi, *Fiqh al-Awlawiyyat: A New Vision for Islamic Jurisprudence*.

[32] Y. Al-Qaradawi, *Fiqh al-Awlawiyyat: A New Vision for Islamic Jurisprudence*.

[33] Andi Husnul dan Marilang Marilang, "Perlindungan Hukum Terhadap Hak-Hak Anak Jalanan Di Kota Makassar Perspektif Hukum Islam," *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 2, no. 3 (2021): 504–18, https://doi.org/10.24252/qadauna.v2i3.19329.

[34] Eryna Syahadatina Badar dkk., "Personal Data Protection Policy In Law Number 27 Of 2022 In The Perspective Of Positive Law And Islamic Law," *Hukum Islam* 23, no. 1 (2023): 61–74, https://doi.org/10.24014/jhi.v23i1.20465.

[35] UNICEF, *State of the World's Children 2023: For Every Child, Digital Safety*.

In addition, Islamic legal institutions, such as the Indonesian Ulema Council (MUI) and international fatwa institutions, can play a role in issuing digital ethical guidelines for Muslims. The integration between state regulations and Islamic legal principles is expected to create a digital space that is safe, civilized, and in accordance with sharia goals.[36] Therefore, efforts to protect children in cyberspace are not only positive legal responsibilities, but also a tangible manifestation of the practice of Islamic values that are rahmatan lil 'alamin.

C. Maqāṣid al-Syarī'ah in Addressing Digital Violence Against Children

The development of digital technology demands a more comprehensive normative framework in child protection, as Indonesia's cyber regulations are currently still dominant using a legal-positivistic approach that emphasizes the formal aspects of regulations without a value foundation. In this context, maqāṣid al-syarī'ah has a strategic position as an ethical paradigm that is able to assess moral, psychological, and social risks in the digital ecosystem.

Threats such as online sexual exploitation, exposure to extreme content, and cognitive manipulation of children interfere with the protection of reason (ḥifẓ al-'aql) and heredity (ḥifẓ al-nasl), so that maqāṣid serves as a moral foundation that complements the positive rules of the state in determining the boundaries of harmful digital behavior. This idea is in line with Jasser Auda's view of the importance of maqāṣid as a systemic approach to dealing with contemporary problems.[37]

Based on this analysis, the most feasible maqāṣid framework is a combination of maqāṣid al-darūriyyah, sadd al-dharī'ah, and maslahat mursalah. Maqāṣid al-darūriyyah prioritizes the protection of basic human needs, making it relevant to respond to digital threats that damage children's intellect and morality. Sadd al-

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[36] Moch Dzul Fahmi dkk., "Literasi Hukum Ekonomi Syariah Di Era Digital Dan Kontribusinya Bagi Penguatan Ekonomi Syariah Di Indonesia (Studi Terhadap Platform Instagram)," *Al-Huquq: Journal of Indonesian Islamic Economic Law* 5, no. 1 (2023): 20–43, https://doi.org/10.19105/alhuquq.v5i1.5729.

[37] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought (IIIT), 2008).

dharī'ah is important as a preventive framework to close the path to digital damage through age verification and content filtering policies. [38]

Meanwhile, maslahat mursalah provides methodological flexibility to respond to digital phenomena that are not explained in classical books, but are still in line with the values of public benefit. This approach is in accordance with the framework of maslahat described by al-Ghazali[39] and expanded upon by al-Qaradawi in Fiqh al-Maqasid.[40]

If analyzed critically, Indonesia's cyber regulations such as the ITE Law and the Child Protection Law have actually provided a legal basis for digital protection, but do not yet have a consistent value foundation as an ethical standard. Existing regulations tend to be reactive and do not yet have value-based hazard indicators to assess the risk of content that is detrimental to children's development. This ethical vacuum can be seen in the absence of moral-cognitive risk categories, the absence of a comprehensive preventive framework, and the absence of a proportionate sanction model such as digital ta'zīr that is educational in nature. This perspective is in line with Livingstone & Stoilova's findings about digital risks for children that require a multidimensional approach.[41]

The implications of the integration of maqāṣid into state policies are significant, because the value of maqāṣid can enrich cyber regulation to emphasize not only the legalistic aspect, but also the ethical aspect and the public benefit. This integration allows the state to establish guidelines for the classification of harmful content based on its potential harm to children's intellect and morality, develop digital prevention governance standards based on sadd al-dharī'ah, and introduce an educational digital sanctions model as part of modern ta'zīr. In addition, maqāṣid can be the basis for harmonization between state norms and moral values of Indonesian society, as

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[38] Husamuddin Mz dkk., "Keadilan Sebagai Maqāṣid Al-Ḍarūriyyāt Dalam Kebutuhan Sosial Modern," *Indonesian Journal of Shariah and Justice* 3, no. 2 (2023): 247–68, https://doi.org/10.46339/ijsj.v3i2.47.

[39] Imam Al-Ghazali, *Al-Mustashfa Jilid 1: Rujukan Utama Ushul Fikih* (Pustaka Al-Kautsar, 1997).

[40] Syaikh Dr Yusuf Al-Qaradhawi, *Fiqih Maqashid Syariah: Moderasi Islam Antara Aliran Tekstual dan Aliran Liberal* (Pustaka Al-Kautsar, 2017).

[41] Livingstone dkk., "Children's Data and Privacy Online: Growing Up in a Digital Age."

encouraged by contemporary thinkers such as Ibn Ashur in his Treatise on Maqasid al-Shariah (2006) which emphasizes the importance of the orientation of maqāṣid in public policy.[42]

D. Contemporary Ijtihad and Integration of Islamic Law with Modern Regulations

The advancement of the digital world requires contemporary ijtihād in Islamic law. Social changes caused by the development of information technology have given birth to new patterns of interaction and crime that are not present in classical fiqh books, including digital violence against children. In such conditions, Islamic law is required to adapt without abandoning its basic principles, namely justice and benefit.[43]

Modern scholars such as Yusuf al-Qaradawi and Wahbah az-Zuhaili emphasize the importance of applying fiqh al-wāqi' (understanding of social reality) as a basis for interpreting Islamic law on technological issues.[44] This approach makes ijtihād not only an intellectual activity, but also a process of understanding the context of the times so that sharia remains relevant to modern life.

When it comes to digital violence, ijtihād is needed to reinterpret the principles of Islamic law in order to be able to answer issues that have not been explicitly addressed in classical nash. The qiyās (legal analogy) approach can be used to associate digital violence against children with actions that have been prohibited by the Shari'ah such as ghibah (gossip), namīmah (sheep fighting), and iftirā' (slander), because of their similarities in causing moral and social damage.[45]

In addition, the principle of istiḥsān (best legal preference) can also be applied to choose the decisions that are most beneficial for the protection of children in the digital

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[42] *Ibn Ashur Treatise on Maqasid Al-Shari'ah* (The Other Press, 2006).

[43] Zaki Aulia Mufti dkk., "Transformasi Pembelajaran Al-Qur'an Dan Hadis Dalam Pendidikan Agama Islam Untuk Menghadapi Revolusi Industri 5.0," *Mauriduna: Journal of Islamic Studies* 6, no. 1 (2025): 1584–600, https://doi.org/10.37274/mauriduna.v5i2.1248.

[44] Al-Qardawi, Yusuf, *Ensiklopedia Islam*, 21 September 2022, https://ensiklopediaislam.id/al-qardawi-yusuf/.

[45] Kamali, *Maqasid al-Shariah and the Foundations of Islamic Ethics*.

space. Thus, ijtihād serves as an adaptive mechanism that allows Islamic law to respond to the phenomenon of digital violence comprehensively and fairly.[46]

The concept of ta'zīr has strong relevance in formulating sanctions for perpetrators of digital violence against children. Since digital forms of crime are not specifically mentioned in the Qur'an or Hadith, ta'zīr—which is flexible—can be used as a basis for determining the type of social, financial, or moral punishment.[47] This approach allows Islamic law institutions to impose sentences based on the level of harm and psychological impact on child victims. For example, cyberbullying perpetrators or spreaders of exploitative content can be subject to punishment in the form of moral compensation and social rehabilitation. In this way, ta'zīr is not only repressive, but also has educational and restorative dimensions in accordance with Islamic principles of justice.[48]

In addition, the principle of maṣlaḥah mursalah (public welfare) can be used as a basis for developing child protection regulations that are in accordance with the needs of modern society. This principle emphasizes that the law must be directed at achieving benefits and avoiding damage, including in the digital realm.[49]

The application of this maṣlaḥah can support efforts to harmonize Islamic law with national positive laws such as Law Number 23 of 2002 concerning Child Protection and the Law on Information and Electronic Transactions (ITE).[50] Thus, sharia values can enrich national law through the principles of justice, social responsibility, and public morality. This integration will strengthen the national legal system in providing protection for children in cyberspace.

The unification of Islamic law with positive law can be done through a harmonized approach of values and institutions. Institutions such as the Indonesian

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[46] Adnan Bayu Wicaksono dan Winning Son Ashari, "Analisis Perlindungan Islam Terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga Dalam Tinjauan Maqashid Syariah," *Rayah Al-Islam* 8, no. 3 (2024): 888–904, https://doi.org/10.37274/rais.v8i3.1027.

[47] W. Al-Zuhayli, *Al-Fiqh al-Islami wa Adillatuhu*, vol. 7 (Dar al-Fikr, 2020).

[48] Akhmad Sukris Sarmadi dkk., "Criminal Liability of Children from the Perspective of Islamic Law and Positive Law in Indonesia," *AT-TURAS: Jurnal Studi Keislaman* 10, no. 1 (2023): 116–27, https://doi.org/10.33650/at-turas.v10i1.5497.

[49] Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*.

[50] "UU No. 23 Tahun 2002," Database Peraturan | JDIH BPK, diakses 18 Oktober 2025, http://peraturan.bpk.go.id/Details/44473/uu-no-23-tahun-2002.

Ulema Council (MUI) and Bahtsul Masā'il in the pesantren environment have an important role in formulating fatwas and digital ethics guidelines based on the principles of maqāṣid al-syarī'ah.[51]

MUI Fatwa Number 24 of 2017 concerning Social Media Ethics, for example, is a form of ijtihād jamā'ī (collective ijtihad) that affirms the obligation to maintain the honor and security of digital media users.[52] At the global level, institutions such as Al-Azhar University and the International Islamic Fiqh Academy are also actively issuing resolutions related to digital ethics and child protection. This shows that contemporary ijtihād does not only take place in the academic realm, but also at the level of public and social policy.[53]

Some Islamic countries have successfully integrated sharia values into modern cyber regulations. Malaysia, for example, through the Shariah-compliant Cyberlaw Initiative (2023), is developing a digital legal system based on Islamic justice values in data management and online crime prevention.[54] The United Arab Emirates (UAE) also implements a Cyber Ethics Charter policy based on sharia principles that emphasizes the social responsibility of internet users towards children.[55]

These models can be an inspiration for Indonesia in building a cyber legal system that is in line with Islamic values and national law. This approach shows that the application of ijtihād in the field of technology can be realized in the form of concrete policies oriented towards the public benefit.[56]

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[51] Tri Hidayati dkk., "Digitalization of Islamic Finance: Epistemological Study of the National Sharia Board-Indonesian Council of Ulama's Fatwa," *Al-Ahkam* 33, no. 2 (2023): 255–78, https://doi.org/10.21580/ahkam.2023.33.2.17324.

[52] Majelis Ulama Indonesia, *Fatwa Nomor 24 Tahun 2017 tentang Etika Bermedia Sosial* (MUI, 2017).

[53] Abdelhalim Mohamed Mansour Ali dan Muhammad Ahmad Ibrahim Aljahsh, "The Proliferation of Anomalous Digital Fatwas: A CriticalExamination of Jurisprudential Challenges and Societal Impactsin the Digital Age," *AHKAM : Jurnal Ilmu Syariah* 25, no. 1 (2025): 37–52, https://doi.org/10.15408/ajis.v25i1.37905.

[54] Kalijunjung Hasibuan dkk., "Pemberlakuan Hukum Syariah dalam Sistem Hukum Nasional: Studi Kasus tentang Penegakan Hukum Syariah di Negara Asia," *Jurnal Hukum dan HAM Wara Sains* 2, no. 10 (2023): 942–51, https://doi.org/10.58812/jhhws.v2i10.707.

[55] F. Al-Mazrouei, *Cyber Ethics in the UAE: Integrating Sharia Principles in Digital Governance*, vol. 37, no. 2 (2023).

[56] Emiliah Alfianita dan Febrika Yogie Hermanto, "Adaptasi Teknologi Untuk Penyimpanan Dokumen Keluarga Secara Digital: Studi Pada Layanan Publik Di Kabupaten Sidoarjo," *Efisiensi: Kajian Ilmu Administrasi*, 2023, 84–96, https://doi.org/10.21831/efisiensi.v20i1.81013.

From a methodological perspective, ijtihād maqāṣidī is the most appropriate approach in responding to the phenomenon of digital violence against children. This approach emphasizes an understanding of the purposes of sharia (maqāṣid al-syarī'ah), such as safeguarding the soul (ḥifẓ al-nafs), honor (ḥifẓ al-'ird), and heredity (ḥifẓ al-nasl), as the basis for establishing new laws.57

Through this framework, every legal decision is directed at creating safety and justice for children in the digital space. The maqāṣidī approach also opens up space for dialogue between Islamic values and human rights, making Islamic law a global ethical system that is able to adapt to technological advances.58

Furthermore, the formulation of ijtihād against digital violence against children does not only focus on the formation of laws, but also on the development of the moral awareness of the people. Islam views crime prevention as a priority over enforcement, so moral education, Islamic digital literacy, and family development are integral parts of the implementation of Islamic law.59

Digital da'wah and Islamic education curriculum can be used as strategic instruments to instill the values of responsibility, trust, and manners in using technology. Thus, ijtihād does not stop at the normative aspect, but becomes a process of social transformation that returns technology to the noble purpose of humanity in accordance with the vision of rahmatan lil-'ālamīn.60

In the end, the formulation of ijtihād of Islamic law against digital violence against children is a reflection of efforts to maintain the relevance of sharia in the modern era. By combining bayānī, qiyāsī, istiṣlāḥī, and maqāṣidī approaches, Islamic law can offer a comprehensive solution that includes moral, social, and positive legal aspects.

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57 Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*.

58 Moch Rikza Alkhubra Abdul Jabbar dkk., "Integrasi Nilai Keislaman Dalam Manajemen Strategik Untuk Membangun Keunggulan Kompetitif Lembaga Pendidikan Islam Di Era Globalisasi Digital," *CENDEKIA: Jurnal Ilmu Pengetahuan* 5, no. 1 (2025): 185–92, https://doi.org/10.51878/cendekia.v5i1.4153.

59 UNICEF, *Digital Literacy and Child Protection in Muslim Communities: Global Insights 2024* (UNICEF Global Policy Series, 2024).

60 Fadli Emsa Zamani, "Peran Pendidikan Teknologi Dalam Proses Transformasi Sosial," *Jurnal Dialektika: Jurnal Ilmu Sosial* 20, no. 1 (2022): 84–94, https://doi.org/10.63309/dialektika.v20i1.36.

The combination of Islamic values and state policies will strengthen a digitally literate and benefit-based child protection system. Therefore, contemporary ijtihād is not only the duty of scholars and scholars, but also the collective responsibility of Muslims to present a living, contextual, and siding law for the protection of children as the next generation of civilization.

To strengthen the discussion of contemporary ijtihad and the integration of Islamic law with modern regulations, a conceptual map is needed that explains how maqāṣid al-syarī'ah can be the basis of values in responding to the phenomenon of digital violence against children. This conceptual map is not intended to change the substance of positive law, but to clarify how sharia values work in harmony with national policies in providing comprehensive digital protection.

The first step in this integration is to identify the problem of digital violence as a contemporary problem that is not found in classical jurisprudence literature. This is in line with the idea of fiqh al-wāqi' emphasized by al-Qaradawi and az-Zuhaili, namely the importance of understanding social realities before establishing new laws. At this stage, maqāṣid such as soul care (ḥifẓ al-nafs), honor (ḥifẓ al-'ird), and heredity (ḥifẓ al-nasl) become the main benchmarks for assessing the level of danger and the need for child protection in the digital space.[61]

Once the identification is made, the next stage is to link ijtihad methods—such as qiyās, istiḥsān, and maṣlaḥah mursalah—with existing regulatory instruments, such as the ITE Law and the Child Protection Law. These methods allow Islamic law to adapt to technological developments without abandoning the principles of justice and public welfare.[62] With this approach, the concept of sadd al-dharī'ah can be used as an ethical basis for prevention policies, while the flexible concept of ta'zīr can be a moral basis in formulating sanctions for perpetrators of digital violence against children as described in the previous discussion.

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[61] Zubair Rahman Saende dkk., "IJTIHAD ULAMA DALAM MERUMUSKAN METODE MEMAHAMI MAQÂSID AL-SYARÎ'AH," *Indonesian Journal of Shariah and Justice* 3, no. 1 (2023): 73–94, https://doi.org/10.46339/ijsj.v3i1.43.

[62] Saende dkk., "IJTIHAD ULAMA DALAM MERUMUSKAN METODE MEMAHAMI MAQÂSID AL-SYARÎ'AH."

The third step is to formulate practical integration between sharia and positive law, such as the preparation of digital ethics guidelines, digital age verification, and digital literacy based on Islamic values that are in line with the developed approaches that have been described in this article. Thus, sharia values are not only a theoretical norm, but also an implementable guideline in public policy and social education in the digital era.

This conceptual map emphasizes that contemporary ijtihad is not only a scientific effort, but also a process of harmonizing values between Islamic law and state policies. The integration of the two aims to strengthen the protection of children in a preventive, educational, and humanistic manner, according to the direction discussed in the previous section. This framework keeps research on track consistent with the main focus, namely child protection in the digital era through an adaptive and responsive sharia approach.

1. *Maqāṣid-Based Integration of Ta'zīr and Digital Sharia Policy within the ITE Law*

    After understanding the ijtihād maqāṣid approach above, it is necessary to develop a concrete conceptual framework to translate the values of maqāṣid al-syarī'ah into digital protection policies, especially in the context of the Electronic Information and Transaction Law (ITE Law).[63] This framework aims to strengthen the foundation of positive legal ethics with indicators of sharia values without changing the substance of national law.

    Normatively, maqāṣid al-syarī'ah—especially the protection of reason (ḥifẓ al-'aql), honor (ḥifẓ al-'ird), and heredity (ḥifẓ al-nasl)—serves as a value base for assessing forms of digital violence against children that are often not adequately addressed by positive legal approaches alone.[64] These goals

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[63] Kattya Nusantara Putri, "A Review of Sharia Maqashid in the Arrangement of Marriage Dispensation: Perspectives on the Protection of the Rights of Minors," *Al-Qadau Journal: Islamic Family Justice and Law* 11, no. 2 (2024): 199–213, https://doi.org/10.24252/al-qadau.v11i2.53272.

[64] Kattya Nusantara Putri, "A Review of Sharia Maqashid in the Arrangement of Marriage Dispensation: Perspectives on the Protection of the Rights of Minors," *Al-Qadau Journal: Islamic Family Justice and Law* 11, no. 2 (2024): 199–213, https://doi.org/10.24252/al-qadau.v11i2.53272.

provide ethical indicators to evaluate the degree of psychological, moral, and cognitive harm caused by digital content or online interactions.

From a juridical perspective, ta'zīr has direct relevance to digital law enforcement based on the ITE Law. [65] Many forms of digital violence—such as cyberbullying, content exploitation, and psychological abuse—are not explicitly mentioned in classical Islamic texts, so ta'zīr provides a flexible mechanism for placing proportionate, educational, and restorative sanctions depending on the level of impact inflicted on child victims. This approach emphasizes not only retaliation, but also rehabilitation and moral responsibility of the perpetrator, which is in line with the orientation of child protection.

Furthermore, the integration of maqāṣid in digital policy opens up space for the formulation of sharia-based policy recommendations that are compatible with national law. These recommendations include:

1) The standard classification of digital content is based on the level of danger to children's intellect and morals, so that content assessments are not only formal, but also based on psychological and ethical impacts.

2) The application of preventive mechanisms such as age verification and content filtering, which is ethically in accordance with the principles of sadd al-dharī'ah to close the chance of damage before it occurs.

3) The development of Islamic values-based digital literacy programs, involving schools, families, and religious communities as part of the ongoing prevention of digital violence.

Through this approach, maqāṣid al-syarī'ah is not only a normative framework, but also a policy instrument that can strengthen national digital governance. The synergy between ta'zīr, maqāṣid al-syarī'ah, and the ITE Law shows that contemporary ijtihād can be a bridge between Islamic ethical

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[65] Atikah Mardhiya Rohmy et al., "ITE Law in the Perspective of Information and Communication Technology Development," *Dakwatuna: Journal of Islamic Da'wah and Communication* 7, no. 2 (2021): 309, https://doi.org/10.54471/dakwatuna.v7i2.1202.

values and state policies, so that child protection in the digital space becomes not only a formal law, but also a social and moral meaning.

E. Epilogue

The rapid development of digital technology has fundamentally reshaped the way children interact, learn, and construct their identities in cyberspace. Beneath the promise of unlimited access to information and global communication lies a new reality marked by serious risks to children's psychological, moral, and social well-being. What was once perceived as a neutral and educational digital space has gradually transformed into a vulnerable arena exposed to various forms of non-physical violence, ranging from cyberbullying to technology-mediated exploitation. This condition calls for serious attention, not only from the perspective of positive law but also through ethical and value-based frameworks, as further elaborated in the discussion of maqāṣid al-syarī'ah in the subsequent sections.

From the perspective of maqāṣid al-syarī'ah, protecting children in the digital sphere is an integral part of safeguarding the fundamental objectives of Islamic law, particularly the protection of the soul (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), honor (ḥifẓ al-'ird), and lineage (ḥifẓ al-nasl). Digital violence clearly contradicts these objectives, as it undermines children's dignity, cognitive growth, and moral integrity. Therefore, child protection in cyberspace is not merely a legal obligation but also a moral and religious responsibility.

Theoretically, this research reinforces the relevance of maqāṣid al-syarī'ah as an ethical and normative framework for addressing contemporary digital challenges. The integration of maqāṣid al-darūriyyah, sadd al-dharī'ah, maṣlaḥah mursalah, and maqāṣid-based ijtihād demonstrates that Islamic law possesses methodological flexibility to adapt to technological developments. This approach contributes to the advancement of social fiqh and cyber fiqh by bridging classical Islamic legal principles with modern cyber governance.

Practically, the findings imply that national cyber regulations require ethical reinforcement to ensure effective child protection in digital environments. The incorporation of maqāṣid-based values can guide preventive policies, strengthen

Islamic digital literacy programs, and support the formulation of proportional and educational sanctions through the concept of digital ta'zīr. Future research is recommended to explore the empirical implementation of maqāṣid-oriented digital policies and to assess collaborative frameworks between state institutions, religious authorities, and society in protecting children in cyberspace.

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