Women and Child Trafficking in Indonesia at 2022-2024 in the Perspective of the Qur'an and Maqasid Al-Shariah

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A B S T R A C T

This article examines the practice of women and child trafficking in Indonesia through the lens of the Qur'an and maqasid al-shariah, particularly within the framework of protecting human life, dignity, and fundamental rights. This study employs a qualitative, library based approach that integrates normative theological analysis, Indonesia's positive legal framework, and empirical findings from national and international reports on trafficking dynamics. The data were analyzed descriptively and critically by tracing the relationship between Qur'anic principles, the essential aims of the Shari'ah, and the effectiveness of national anti trafficking policies. The findings indicate that although Indonesia possesses a relatively strong legal framework, its implementation still faces significant gaps at the regional level, especially in terms of inter agency coordination and the provision of comprehensive services for victims. Moreover, the economic reintegration of victims emerges as a crucial aspect that is often overlooked, increasing the risk of revictimization. The maqasid al-shariah analysis affirms that protecting human beings requires a systemic approach that encompasses structural prevention, socio economic empowerment, and the strengthening of protection institutions. In conclusion, integrating Qur'anic principles, maqasid al-shariah, and national policy has the potential to produce a more holistic, just, and dignity oriented model for combating trafficking.

Keywords: human trafficking, maqasid al-Syari'ah, qur'anic perspective.

Introduction

Human trafficking involving women and children remains one of the most serious crimes against humanity in Indonesia. Despite the enactment of various legal instruments including Law No. 21 of 2007 on the Eradication of the Crime of Human Trafficking (TPPO) cases continue to emerge each year with increasingly complex patterns and modes of operation. The 2023 report of the United Nations Office on Drugs and Crime (UNODC) indicates that Indonesia continues to function

as a source, transit, and destination country within human trafficking networks in the Asia-Pacific region, with women and children comprising the majority of victims, exploited for sexual purposes, domestic work, and forced labor in informal sectors (UNODC, 2023) Similarly, data from the International Organization for Migration (IOM) Indonesia reveal that more than 60 percent of victims they assisted in the past four years were young women and girls trafficked through recruitment networks based on family ties, fictitious companies, and social media platforms (I. Indonesia, 2023).

At the national level, Komnas Perempuan's CATAHU 2024 report notes a significant increase in reported TPPO cases over the past five years, including the trafficking of women for sexual exploitation and female migrant workers illustrating how women and children remain the most vulnerable groups within Indonesia's social and economic structures (Perempuan, 2024). These figures not only demonstrate the state's inability to comprehensively eradicate this crime but also highlight the persistent structural vulnerability of women and children.

Human trafficking is not merely a criminal issue, but also a moral, spiritual, and humanitarian problem. In the Islamic worldview, human beings possess inherent dignity. The Qur'an asserts that God has honored the descendants of Adam (QS 17:70), and thus any act that degrades human dignity constitutes a violation of divine values. Exploitation, modern slavery, and sexual violence fundamentally contradict the core principles of the shariah, which emphasize the preservation of life (hifz al-nafs), honor (hifz al-'irdh), intellect (hifz al-'aql), property (hifz al-mal), and lineage (hifz al-nasl). The framework of *maqasid al-shariah* provides a strong normative foundation for rejecting and combating all forms of oppression, particularly against vulnerable groups such as women and children (Auda, 2008)

Nevertheless, academic studies on trafficking of women and children in Indonesia still predominantly focus on positive legal frameworks and criminological analyses. For instance, Surtees (Surtees, 2012) explores cross-border recruitment patterns and victim dynamics, while Setyowati (Setyowati, 2020) examines child trafficking crimes in border regions and law enforcement at the local level both emphasizing structural and legal aspects rather than religious values. Socio economic studies, such as those of the World Bank (Bank, 2022), highlight poverty, low educational attainment, and gender inequality as primary drivers of vulnerability among women and children. Yet, only a few studies integrate religious perspectives, particularly Qur'anic principles and *maqasid al-shariah*, as ethical frameworks for analyzing and addressing this complex issue.

Within religious based literature, some scholars mention the relevance of *maqasid* to human rights, but the discussions remain general. Jasser Auda stresses that *maqasid* offers a human dignity centered framework within Islamic law, but few studies apply this framework specifically to human trafficking in Indonesia

(Auda, 2008). Similarly, Mohammad Hashim Kamali links *maqasid* to universal human rights principles, though without addressing the specific context of exploitation against women and children (Kamali, 2011). This reveals a clear academic gap: the absence of scholarship bridging empirical realities of trafficking with Qur'anic and *maqasid* based approaches, particularly in the Indonesian context as the world's largest Muslim majority nation.

This gap between empirical and normative literature forms the main rationale for the urgency of this research. A holistic approach that integrates social realities, positive legal frameworks, empirical data, and religious values is crucial to developing a richer and more relevant analytical perspective. The normative theological approach of *maqasid* and Qur'anic principles is not meant to replace legal or human rights frameworks but rather to serve as a moral foundation that strengthens prevention and intervention efforts. This research also builds upon the established tradition of contemporary Muslim scholarship regarding human dignity within the *maqasid* discourse.

Moreover, in a modern nation-state, integrating religious values with international human rights frameworks is unavoidable. Indonesia has ratified key international instruments, including the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, signaling the state's commitment to protecting vulnerable groups. However, policy implementation often remains hindered by weak coordination, limited resources, and low public awareness of evolving trafficking methods. Consequently, a religiously grounded value system may provide an additional moral impetus to enhance community participation and reduce cultural permissiveness toward the exploitation of women and children.

The relevance of Islamic perspectives becomes even more significant given Indonesia's high degree of religiosity. In many cases, both perpetrators and victims belong to communities with active religious lives. Concepts of social justice within Islam as articulated by contemporary Muslim scholars such as Auda and Kamali emphasize the need to interpret sacred texts contextually to address modern social problems, including human trafficking. Thus, this research seeks not only to formulate an Islamic perspective on trafficking as an illegal act but also to frame it as a form of structural injustice contrary to fundamental religious values.

Based on this background, this study is designed around five main objectives. First, to present the latest development of trafficking cases involving women and children in Indonesia using credible empirical data; second, to examine relevant Qur'anic principles on human dignity and the prohibition of exploitation; third, to analyze trafficking through the lens of *maqasid al-shariah* with particular emphasis on violations of core objectives of the shariah; fourth, to integrate Islamic legal principles with human rights frameworks and national policy in order to formulate a comprehensive approach to combating trafficking; and fifth, to contribute new

academic insights to contemporary Islamic studies, particularly in relation to the protection of women and children.

Through a multidisciplinary approach that combines normative religious analysis with empirical data and modern policy frameworks, this study aims to enrich academic literature and offer substantive guidance for government agencies, religious institutions, and civil society actors working to prevent trafficking of women and children in Indonesia. Ultimately, this research seeks not only to provide legal or theological explanations but to center human beings especially women and children as the core moral and social concern in interpreting shariah and designing public policy.

Research Method

This study employs a qualitative approach using a library research design, combined with normative textual analysis of primary and secondary sources. This approach is selected because the issue of women and child trafficking is a complex social phenomenon that demands an in depth understanding of both its empirical dimensions and the values and norms that underpin justice in Islam. The primary data sources comprise Qur'anic texts relevant to human protection, the dignity of women and children, social justice, and the principles of *Maqasid al-shariah* articulated by classical and contemporary scholars such as al-Tabari, Ibn 'Ashur, and modern theorists including Jasser Auda (Auda, 2008); (Al-Tabari, 2001); (Ashur, 2006). Qur'anic verses related to the prohibition of exploitation and injustice, as well as the affirmation of the values of protecting life (*hifz al-nafs*), honor (*hifz al-'irdh*), and lineage (*hifz al-nasl*), serve as the main normative references for assessing human trafficking practices in the Indonesian context.

Secondary data are obtained from official reports of national and international institutions, including the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM), Komnas Perempuan, and previous studies discussing the patterns, causal factors, vulnerabilities, and characteristics of trafficking in Indonesia and beyond (UNODC, 2023); (I. Indonesia, 2023); (Perempuan, 2024) The relevant literature also includes works on Qur'anic exegesis, *usul al-fiqh*, and *maqasid* studies, which provide the conceptual foundation for reinterpreting the universal Islamic values concerning human protection.

Data collection is conducted through an extensive review of scholarly articles, academic books, research reports, national policy documents, and credible digital publications. All sources are critically examined to ensure academic validity and reliability. The analysis utilizes content analysis techniques, which involve reading, selecting, and categorizing data according to key themes such as forms of exploitation, structural factors driving trafficking, state responses, and the relevance of Islamic legal principles to these issues (Krippendorff, 2018). The

Qur'anic verses are analyzed using a thematic (*mawdu'i*) approach to avoid partial interpretations and instead map the Qur'an's overarching ethical framework on humanity and the protection of vulnerable groups.

Within the *maqasid al-shariah* framework, the analysis identifies core protective values and compares them with the realities of trafficking in Indonesia. Various violations of life, dignity, lineage, and human freedom are examined to highlight the points of contradiction between Islamic norms and current social practices. This integrative approach allows the article not only to present the empirical dimensions of trafficking but also to construct a comprehensive normative argument regarding Islam's legal and ethical position on the issue.

To maintain objectivity, the study applies a layered interpretation technique, linking empirical data with normative principles and then assessing them through the lens of human rights and national policy frameworks. This method ensures that the findings reflect a dialogue between text and reality, as well as between Islamic values and modern protection approaches. Validity is maintained through source triangulation comparing various reports and studies and through critical engagement with classical and contemporary exegetical works. These steps aim to produce a holistic understanding of how the Qur'an and *maqasid al-shariah* can serve as a moral foundation and ethical framework in combating the trafficking of women and children in Indonesia (Braun & Clarke, 2006).

Results and Discussion
Overview of Trafficking of Women and Children in Indonesia

The trafficking of women and children in Indonesia is not merely a statistical trend or a fleeting headline; it represents an accumulation of social wounds that continue to be passed on from one generation to the next. Although the state has adopted legal frameworks, established institutional mechanisms, and participated in international conventions, the reality shows that women and children remain the groups most frequently exploited whether through forced labor, sexual exploitation, or problematic migration schemes. Both international and national reports converge on one major conclusion: Indonesia continues to function as a source, transit, and destination country for human trafficking, with women and children making up the majority of detected exploitation flows (UNODC, 2022).

This phenomenon stems from the intersection of structural vulnerabilities and diverse recruitment methods. In many rural and peri-urban communities, chronic poverty, limited educational access, and scarce formal employment opportunities place significant economic pressure on families. Job offers presented by recruiters as a pathway out of poverty often appear reasonable and are at times endorsed by relatives or local figures. Once these promises are pursued, victims often young women or girls are transferred to environments where their basic rights are stripped away: identification documents are seized, communication is

cut off, wages are withheld, and their mobility is restricted. These transfers do not always occur across borders; many happen between provinces within Indonesia, making exploitative networks difficult for local authorities to trace (Perempuan, 2024).

Technological shifts and evolving recruitment practices further exacerbate the problem. Recruitment through online platforms, social media, or professional looking "job advertisements" provides new avenues for syndicates to target victims in remote areas without initial physical contact. Recent cases indicate a pattern of digital grooming, where victims are invited to communicate, promised jobs in technology or entertainment sectors, and subsequently coerced into online scam operations or trafficked to networks that force them into illegal activities. In 2023-2024, the government, in coordination with international organizations and regional forums, highlighted the rise in trafficking victims linked to transnational online fraud operations a modus operandi requiring cross border cooperation and multi country response mechanisms (State, 2024).

Children face distinct forms of vulnerability, and many cases show that they are no longer merely "secondary victims" National data and thematic studies reveal persistently high rates of child labor, particularly in agriculture and informal sectors conditions that facilitate pathways into forced labor. When children are positioned as contributors to family income, whether due to economic pressure or traditions such as early marriage, their risk of being recruited for hazardous work or trafficking increases significantly. In several regions, the phenomenon of "child selling" by economically distressed families appears as opportunistic behavior that masks underlying trafficking practices (Organization et al., 2024).

Victim profiles in Indonesia consistently show a predominance of women. National service and advocacy data record high percentages of female victims in trafficking cases, especially within domestic labor migration and sexual exploitation. Female migrant workers particularly those traveling to countries without strong protections for domestic labor are at heightened risk. Workers who arrive without clear contracts or through unregistered agents often face passport confiscation, excessive working hours, violence, and sexual harassment. Although formal placement agencies and BP2MI have intercepted numerous illegal placement attempts, the volume of complaints and repatriated citizens trapped in exploitative schemes continues to indicate the scale of the problem (B. P. P. M. Indonesia, 2024).

At the level of law enforcement, trends show another contradiction: although the number of investigations and processed cases has increased according to recent reports, the gaps between investigations, prosecutions, and convictions remain significant. Case files are frequently processed under non trafficking charges, or judicial processes result in lighter sentences due to the use of non

specific legislation. Another commonly cited issue is the limited awareness among village and district level authorities regarding trafficking indicators, leading to frequent failures to identify early cases as trafficking crimes. Data discrepancies among institutions police, the Ministry of Social Affairs, and labor placement bodies also hinder the formation of an accurate national picture of the phenomenon's scale (State, 2024).

The impact on victims is not limited to short term consequences. Psychological trauma, physical health problems, loss of educational opportunities, and social stigma form part of the long lasting burdens they must bear even after "rescue" or repatriation. Social and economic reintegration is a profound challenge: victims often require medical care, psychosocial support, legal assistance, and skills training services that remain limited, particularly in disadvantaged areas that are often the victims' places of origin. Without adequate reintegration programs and strong social protection networks, the risk of re victimization remains high (I. O. for M. Indonesia, 2025).

Institutionally, Indonesia's response has expanded: Law No. 21/2007 on the Eradication of Trafficking in Persons, the establishment of inter-ministerial task forces, the efforts of BP2MI and KemenPPPA, and collaborations with international organizations such as IOM and UNODC all constitute a framework for action. Yet, the reality shows that policy alone is insufficient; implementation on the ground faces challenges of capacity, coordination, and resource limitations. Moreover, cases involving corruption or the involvement of rogue officials further complicate efforts to dismantle trafficking syndicates (Statistik, 2024).

Beyond legal and institutional factors, the dynamics of women and child trafficking in Indonesia cannot be separated from the socio-cultural contexts that shape community perceptions of the body, labor, and the value of women. In several regions, women continue to be framed primarily as contributors to household income, making migration even through unsafe channels appear as an act of sacrifice for the family. This social pressure creates an ambiguous space: women are praised for their economic contributions, yet when exploited or harmed, they are often blamed for being "incautious" or "reckless in migrating." This paradox reinforces a culture of silence, discouraging victims from reporting and contributing to increased vulnerability among girls who see migration as their only opportunity for mobility.

For children, community understandings of trafficking risks often overlap with longstanding traditional practices. Some families permit children to work at very young ages, viewing it as "learning adulthood" or fulfilling social roles in rural households. Yet when such work opportunities involve unclear conditions or require relocation, these practices open wide entry points for exploitation. In many cases, families are unaware that what they perceive as a "job helping in a shop" or "skills apprenticeship" ultimately results in forced labor, domestic servitude, or

even sexual exploitation. This knowledge gap demonstrates that trafficking prevention requires not only legal enforcement but also comprehensive community education.

In addition, the persistence of trafficking is reinforced by actors who are not always part of formal criminal networks. Small scale recruiters, local brokers, and even distant relatives normalize the practice of sending women and children to cities or abroad without proper documentation. In many cases, they do not perceive themselves as criminals; instead, they view themselves as "facilitators" who help families pursue economic mobility. The normalization of these practices, combined with weak oversight of informal agents, creates distribution chains of trafficking that are difficult to dismantle. Human trafficking thus functions like a socio economic ecosystem rather than a standalone criminal act.

It is also important to note that official statistics represent only the "visible portion" of the problem. Many victims never enter the data: they fear reporting, lack knowledge of their rights, or are isolated by perpetrators. For this reason, national and international reports recommend improvements in data collection systems, including harmonizing definitions, developing centralized databases, and strengthening referral mechanisms across institutions to ensure a more accurate national picture and more effective policy responses (UNODC, 2024).

Ultimately, the trafficking of women and children in Indonesia represents a convergence of individual suffering and systemic failures. Addressing it requires responses not only from the legal sphere but also from social, economic, educational, and religious perspectives. Long-term prevention demands poverty reduction, educational access, women's empowerment, safer migrant labor governance, and digital literacy that helps communities recognize online recruitment methods. At the same time, victim assistance must be equipped with comprehensive and sustained services. Without these measures, society risks witnessing the perpetuation of suffering across generations, perpetuated by deeply rooted structural inequalities.

Qur'anic Analysis on Human Protection

When the Qur'an speaks about the human being, it does not merely describe a biological entity it articulates dignity, responsibility, and an ethical mandate that binds the believing community. In many of its verses, the Qur'an affirms that human beings have been honored by their Creator: "Indeed, We have honored the children of Adam" This declaration positions human dignity as the starting point of divine morality. The verse (Qur'an, QS. al-Isra' 17:70) provides an initial foundation for a Qur'anic reading of holistic protection protection that safeguards not only life from physical threats but also dignity, freedom, and the future of generations.

Reading these verses through both traditional tafsir and contemporary perspectives reveals that the Shariah is oriented toward securing human well

being (*jalb al-masalih*) and preventing harm (*dar' al-mafasid*). This demand goes beyond ritual norms and permeates socio-economic realms: prohibitions against injustice, coercion, and violations of the right to a dignified life. Verses that prohibit devouring the wealth of others unlawfully or command the preservation of human life should be viewed not merely as legal directives but as manifestations of moral imperatives for anyone tempted to treat another human as an object (Al-Tabari, 2001).

In the context of human trafficking, several Qur'anic verses can be read as a firm rejection of practices that strip individuals of freedom and dignity. Although the Qur'an emerged in a historical period in which slavery existed as a social reality, the Qur'anic discourse promotes emancipation, fair treatment, and the preservation of human dignity. This normative trajectory becomes an ethical basis for condemning all forms of modern slavery. Principles such as the prohibition of selling human beings, the obligation to treat others justly, and the commitment to preserving life form Qur'anic foundations for viewing trafficking as a severe violation of the objectives of *Maqasid al-shariah*.

Classical tafsirs reinforce these insights with historical and linguistic nuance. Mufassirs such as al-Tabari and Ibn Kathir explain numerous Qur'anic verses that emphasize the preservation of life, dignity, and property as essential elements of the moral framework that Muslim societies must uphold. Their readings show that acts that eliminate autonomy, degrade honor, or treat life as a commodity including the trafficking of human beings lie outside the spirit of the Qur'anic message. Modern exegesis, such as M. Quraish Shihab's *Tafsir al-Misbah*, reasserts these humanitarian dimensions in language accessible to contemporary audiences: the Qur'an calls for human beings to live with dignity, and any practice that reduces humanity must be resisted (Shihab, 2001).

However, translating these textual principles into a practical protective framework requires a sharper analytical lens this is where *maqasid al-shariah* plays a crucial role. *Maqasid* offers a teleological structure: if the Sharī'ah aims to protect religion, life, intellect, lineage, and property, then any act that threatens these categories stands in contradiction to the very purposes of the Sharī'ah. Human trafficking which violates *hifz al-nafs* (protection of life), destroys *hifz al-'irdh* (protection of honor), threatens *hifz al-nasl* (protection of lineage and generational continuity), and seizes property through wrongful means (*hifz al-mal*) directly opposes the *maqasid*. This normative conclusion is not merely a legal deduction; it is a philosophical statement that trafficking undermines the highest aims of the Shari'ah and must therefore be rejected and prevented (Ashur, 2006).

One often overlooked aspect in reading Qur'anic teachings on human protection is its spiritual-existential dimension. The Qur'an does not only offer a normative framework of permissible and impermissible actions; it shapes the way human beings understand their own worth. For example, when the Qur'an states

that humanity was created "in the best of forms" (*ahsani taqwim*, QS. al-Tīn 95:4), the message is not only theological but also a psychological affirmation of each person's inherent value (Saeed, 2006). This verse provides a foundation for asserting that any treatment which degrades, manipulates, or exploits the human body or consciousness constitutes a denial of the god given dignity of the individual.

Furthermore, the dimension of *hifz al-karamah* (protection of human dignity) within *maqasid* is increasingly emphasized by contemporary scholars, even if it is not explicitly listed among the classical five. They argue that *hifz al-'irdh* is insufficient without a broader understanding of *karamah* as a fundamental human value (Auda, 2008). This protection of dignity is particularly relevant to trafficking, for the crime does not merely harm the body but also destroys the victim's sense of self worth, seizes their agency, and transforms them into instruments of profit.

Modern mufassirs such as Tahir Ibn 'Ashur and Rasyid Rida highlight that the Qur'an must be read as a text that stands with vulnerable populations. As explained in *Reasoning with God: Reclaiming Shari'ah in the Modern Age*, the Qur'an's advocacy for the *mustad'afīn* is not a historical footnote about 7th century Mecca but a timeless principle (Abou El Fadl, 2014) Thus, the protection of women and children from exploitation is not merely a moral consequence of Islamic teaching but a direct implementation of Qur'anic principles of justice (*'adl*) and compassion (*rahmah*).

Within this framework, Qur'anic teachings on *nahy 'an al-baghy* (prohibition of oppression), *al-amr bi al-ma'ruf* (commanding good), and *raf' al-ḥaraj* (removal of hardship) become foundational in asserting that the believing community is obligated to construct social systems that close the door to human exploitation. Trafficking is not merely a legal offense it is an extreme form of *baghy* that destroys the ethical order the Qur'an commands humans to uphold.

Contemporary academic studies enrich this perspective by linking *maqasid* to universal human rights. Modern *maqasid* scholarship reveals substantive intersections between the objectives of the Shari'ah and human rights principles: the protection of life, freedom from enslavement, and the recognition of human dignity are shared ethical commitments. Scholars such as Jasser Auda emphasize that *maqasid* provides a systemic approach for applying Islamic law that prioritizes human welfare; Mohammad Hashim Kamali underlines the compatibility of *maqasid* with standards of justice and freedom central to contemporary human rights discourses (Auda, 2008); (Kamali, 2011). Therefore, the Qur'anic *maqasid* argument is not merely internally significant for Muslim communities but also meaningful within global discussions on human protection.

Practically, a Qur'anic analysis of human protection yields several socio policy implications. First, Islam does not only mandate punitive action against perpetrators; it requires preventive measures through economic empowerment,

education, and social protection all understood as Shari'ah-driven endeavors to preserve societal well being. Second, victim protection must be restorative: the restoration of rights, psychosocial rehabilitation, restitution, and social reintegration constitute moral imperatives. Verses that emphasize kindness toward the vulnerable, care for orphans, and the command to provide protection underscore the collective solidarity that must be translated into victim centered policy (Rahman, 1980).

Contemporary critiques of Qur'anic application including concerns about selective interpretation or patriarchal bias highlight the need for a gender sensitive hermeneutic. Progressive Qur'anic readings insist that interpretation must account for historical context and *maqasid* objectives so as not to reinforce structures that oppress women. Modern scholars argue that the text is not an enemy of reform; rather, it contains robust ethical resources for dismantling power structures that enable trafficking. Interpretations that defend the protection of women and children require theological courage and a commitment to social justice not literalist readings that preserve the status quo (An-Na'im, 2008).

Finally, a serious Qur'anic engagement with human protection demands concrete ethical action. This is not merely doctrinal it is about making Qur'anic values visible in everyday life, in state policies, in community empowerment, and in interpersonal relations. When the sacred text is understood as a source that mandates the honoring of human dignity, rejecting trafficking becomes not only a legal obligation but a moral response of faith one that commands solidarity. In other words, human protection according to the Qur'an is a call to see victims not as statistics but as human faces that must be restored to the circle of dignity and rights.

Maqasid al-shariah and Its Relevance

Maqasid al-shariah may be summarized as the teleological map of the purposes of the Shariah it is not merely a set of prohibitions and commands, but a reflection on why these laws exist what benefits they aim to secure and what harms they seek to prevent. In the context of human protection, *maqasid* offers a sharp normative lens for recognizing "ordinary" social practices that mask systemic suffering, including the trafficking of women and children. When the Shari'ah is reduced to ritual law without regard to its purposes, policy solutions risk becoming mechanical and shallow. *Maqasid* restores the focus to holistic human welfare (Auda, 2008).

The traditional framework of *maqasid* centers on the *five daruriyyat hifz al-din*, *hifz al-nafs*, *hifz al-'aql*, *hifz al-nasl*, and *hifz al-mal* which serves as a foundational analytical point. However, contemporary developments emphasize that *maqasid* must be interpreted dynamically appreciation for dignity (*karamah*), gender justice, and the protection of vulnerable groups is now integral to its modern application. This means that when a practice harms life (*hifz al-nafs*),

destroys honor or dignity (*hifz al-'irdh/karamah*), or places future generations in dangerous circumstances (*hifz al-nasl*), *maqasid* identifies it not merely as a technical violation but as an antithesis to the purposes of the Shariah (Jannah & Sya'diyah, 2024)

Connecting these ideas with the phenomenon of trafficking demonstrates the concrete relevance of *maqasid*. First, trafficking commodifies women and children, stripping them of their rights to safety and dignity. From a *maqasid* perspective, this constitutes a simultaneous violation of *hifz al-nafs* and *hifz al-'irdh*: life and dignity that should be protected are instead sold or coerced for the profit of others. Normative research applying *maqasid* in this context affirms that Islamic law, when understood through its purposes, provides a strong ethical foundation for victim centered and preventive responses to trafficking (Bawono et al., 2024).

Second, *maqasid* requires restorative and preventive efforts not punishment alone. Within a *maqasid* perspective, victim recovery (psychosocial rehabilitation, economic restitution, social reintegration) is part of realizing *hifz al-nafs* and *hifz al-mal*. In modern terms, this means that communities and states bear responsibility to provide social safety nets that close the avenues for exploitation: education, safe economic access, legal protection, and recovery services (Mulyono, 2018). Several studies in contemporary Islamic law in Indonesia show that the work of women child service units (PPA) and NGO state collaborations, when viewed through a *maqasid* lens, can be seen as practical implementations of the Shariah's purposes integrating moral norms with social action.

Third, *maqasid* offers a legitimizing framework for harmonizing Islamic law with international human rights standards (Nurhayati et al., 2022) Because *maqasid* emphasizes the protection of fundamental values life, dignity, intellect, family, and property it strongly intersects with key human rights concerns the right to life, freedom from slavery, family rights, and child protection standards. Thus, efforts to address trafficking need not be framed as a confrontation between "Sharī'ah" and "human rights" Instead, *maqasid* provides a theological language that bridges these discourses for the sake of human protection. Several academic discussions and local studies have highlighted these intersections to design policies that are religiously sensitive while coherent with international commitments.

However, the implementation of *maqasid* in practice is not without challenges. First, conservative or formalistic interpretations of *maqasid* may obscure the urgency of victim protection, causing social and gender protection aspects to be sidelined. Second, patriarchal sociocultural contexts can result in textual readings that minimize the protection of women even when *maqasid* requires the opposite (Ramadhania, 2025). Therefore, progressive *maqasid* scholarship emphasizes contextual hermeneutics that translate the purposes of the Shariah into gender sensitive, victim oriented, and socially adaptive policies.

The practical application of *maqasid* to anti trafficking policy contains several operational implications (Purnomo et al., 2024). First, legislation should be designed not only to punish perpetrators but also to strengthen preventive mechanisms for example, social protection programs in poverty prone regions, strict regulation of labor placement agencies, and digital literacy programs to prevent online recruitment. Second, judicial systems should be equipped with restorative guidelines inspired by *maqasid*, prioritizing victim recovery and economic restitution as elements of substantive justice. Third, religious institutions can play a preventive role by promoting *maqasid* values: affirming dignity, rejecting the commodification of the human body, and fostering social solidarity with victims. In Indonesia, empirical studies indicate that approaches integrating religious elements with social services yield more sustainable outcomes than purely instrumental legal responses.

Ultimately, the relevance of *maqasid* to the problem of trafficking is an ethical call it shifts the question from "Is this legal?" to "Is this humane?" The *maqasid* paradigm urges policymakers and communities to evaluate every social rule by its impact on the highest purposes of the Shariah preserving life, dignity, intellect, lineage, and property. When anti trafficking policies are crafted through an inclusive *maqasid* lens, the aim is not only to secure formal justice for victims but also to heal and prevent the wounds that render humans commodities. This is the most concrete relevance of *maqasid* making religious law a tool of liberation rather than a justification for injustice.

Implementation of Maqasid al-shariah and Qur'anic Principles in Human Rights Protection and National Anti Trafficking Policy in Indonesia

When discussing the implementation of religious norms in the public sphere, concerns often arise will sacred values be imposed as formal law, or can they serve as an ethical inspiration for inclusive public policy, Field evidence indicates that when *maqasid al-shariah* and Qur'anic principles are understood as a framework of higher objectives rather than as a set of ritual rules, they can function as a powerful driver for protection oriented policies that uphold human dignity, rights, and safety (Crime, 2023). In Indonesia, efforts to integrate Islamic normative perspectives with anti trafficking policy are visible across multiple layers from legislative frameworks to migration management instruments and victim support initiatives although implementation remains challenging.

Normatively, Law No. 21/2007 on the Eradication of Human Trafficking places human dignity at the foundation of national law it explicitly states that trafficking, particularly of women and children, violates inherent human worth and constitutes a human rights violation. This normative stance provides a space to connect *maqasid* the protection of life, dignity, lineage, property, and intellect with the goals of modern legislation: not only prosecuting perpetrators but also protecting victims and addressing structural vulnerabilities that enable trafficking

(Undang-Undang Republik Indonesia Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang). Yet this normative alignment must be translated into concrete policies to avoid remaining merely theological rhetoric (Migration, 2023).

At the operational level, state institutions responsible for migrant worker protection and anti trafficking efforts such as BP2MI, the Ministry of Women's Empowerment and Child Protection (KemenPPPA), and the Women and Child Protection Units (PPA) within the police carry out preventive, protective, and rehabilitative functions that inherently align with *maqasid* (Agency, 2024). Programs such as migrant-worker literacy, prevention of illegal placements, victim repatriation, and rehabilitation serve as practical expressions of *hifz al-nafs* (protection of life) and *hifz al-mal* (protection of property). Nevertheless, institutional synergy remains uneven, disparities in PPA capacity, availability of shelters, and referral mechanisms across regions continue to hinder the effectiveness of protection services.

Despite Indonesia's relatively comprehensive legal framework on trafficking, implementation at the local level still reveals significant gaps. From a *maqasid al-shariah* perspective, these implementation gaps undermine the preservation of core objectives particularly *hifz al-nafs* and *hifz al-'ird*. Research on the effectiveness of provincial anti-trafficking task forces in East Java shows that cross-agency coordination often fails to operate optimally, especially in cases crossing district or provincial boundaries (International., 2020). Such findings confirm that victim protection still depends heavily on local institutional capacity and has not fully aligned with the holistic protection model envisioned by *maqasid*.

In the realm of victim empowerment, *maqasid* requires long term approaches that extend beyond rescue and psychosocial recovery to encompass economic reintegration. A study in West Nusa Tenggara demonstrates that trafficking survivors who do not receive adequate economic support after repatriation are 2-3 times more likely to become targets of renewed exploitation (Criminology, 2016). This underscores the importance of integrating anti-trafficking policy with community based economic development programs, which through the lens of *hifz al-mal* constitute an essential means of safeguarding dignified livelihoods.

Furthermore, contemporary thinkers such as Jasser Auda emphasize that *maqasid* can serve as a dynamic framework for public policy through systemic analysis highlighting interlinked variables such as poverty, migration, education, and gender inequality (Auda, 2008). Adopting this approach would move Indonesia's anti trafficking policy from a reactive model toward a structural preventive one that reflects Qur'anic justice principles. In this view, human protection begins long before a person becomes a victim, it seeks to create social conditions that close the pathways to exploitation.

Maqasid also encourages restorative and preventive policies (Mulyono, 2018) Community and NGO based projects informed by *maqasid* typically advocate for economic empowerment, education, and social protection as preventive strategies rather than relying solely on law enforcement after victimization has occurred. This aligns with the Qur'anic spirit of promoting benefit (*jalb al-maslahah*) and preventing harm (*dar' al-mafasid*). Local studies on the role of PPA units indicate that when holistic services (psychosocial, legal, and economic) are available, reintegration rates improve and risks of re victimization decrease precisely the outcomes intended by *maqasid*.

Additionally, *maqasid* offers a theological language for bridging Islam and human rights, a crucial element for contextualizing national policy in a Muslim majority nation. Rather than standing in opposition, *maqasid* identifies points of convergence, *hifz al-nafs* aligns with the right to life, *hifz al-'irdh* (dignity) aligns with protection from sexual exploitation, and *hifz al-nasl* aligns with child and family protection. By using *maqasid* as a normative justification, policymakers can craft programs that hold both religious legitimacy and international human rights coherence (Yulianto, 2019). Studies examining *maqasid* based approaches to humanitarian issues in Indonesia including refugee policy and family regulation highlight three models of implementation, instructive (codifying principles), integrative (harmonizing norms), and adaptive (embedding *maqasid* within existing regulations). These models offer relevant pathways for anti trafficking policies that are locally grounded yet committed to human rights standards.

Nevertheless, significant challenges remain. First, conservative interpretations and patriarchal norms at the local level can produce readings of syariah that minimize obligations to protect women, hindering progressive *maqasid* implementation. Second, institutional coordination remains fragmented, case data are not fully integrated, and operational definitions of trafficking vary, making interventions difficult to measure. Third, resources for victim services shelters, psychological support, vocational training are unevenly distributed, leaving restorative commitments unfulfilled. Structural reforms are therefore necessary, strengthened service capacity, integrated national data systems, and religious education that situates *maqasid* within contemporary social contexts rather than ritual formalism.

Looking ahead, several evidence based policy directions emerge: (1) harmonizing definitions and national databases to ensure that Law 21/2007 is translated into reliable statistics and coordinated interventions; (2) strengthening PPA units and shelters at district/municipal levels with sustainable funding for victim rehabilitation; (3) community based migration and digital-literacy programs to counter online recruitment; (4) regular dialogue forums among religious institutions, government agencies, and NGOs to formulate gender responsive *maqasid* implementation guidelines; and (5) adopting restorative

mechanisms in judicial processes that prioritize victim recovery over punitive outcomes. These steps are not merely technical; they reaffirm the Qur'anic imperative that protecting human dignity is a collective responsibility.

If *maqasid* is practiced not as a text confined to scholarly shelves but as a living principle permeating public policy, Indonesia has a promising opportunity to integrate religious tradition with human rights commitments into an effective anti trafficking strategy. This is not about applying syariah for political ends, but about actualizing Qur'anic humanistic values protecting life, dignity, intellect, lineage, and property through policies that are concrete, victim centered, and preventative in breaking the cycles of exploitation.

Conclusion

This discussion demonstrates that efforts to protect human beings in both Islamic thought and the modern nation-state ultimately converge on a shared principle, the elevation of human dignity as an ethical, theological, and legal foundation. Within the Qur'anic tradition, humans are positioned as beings endowed with honor (QS. al-Isra' 17:70) and "created in the best of forms" (QS. al-Tin 95:4). These verses are not merely spiritual declarations but anthropological affirmations that every individual possesses inherent worth that must not be diminished through any form of exploitation, including human trafficking. From this standpoint, the moral imperative to protect human beings is not only normative but also carries social consequences that demand just systems and policies.

The framework of *maqasid al-shariah* extends this message by offering a holistic and practical approach. The five higher objectives of the law *hifz al-nafs*, *hifz al-'aql*, *hifz al-din*, *hifz al-nasl*, and *hifz al-mal* represent the fundamental pillars required for the dignified preservation of human life. Contemporary scholars such as Jasser Auda emphasize that *maqasid* are not merely normative instruments but a systemic methodology highly relevant to modern public policy. By integrating the principles of justice, public welfare, and protection, *maqasid* provide a solid framework for examining and evaluating trafficking as a form of structural injustice that undermines human dignity.

As Indonesia strengthens its legal and institutional framework against trafficking through Law No. 21/2007, Presidential Regulation 69/2008 and its 2023 revision, as well as the reinforcement of the National Anti Trafficking Task Force (TPPO), a resonance of values between *maqasid* and state policies becomes apparent. The state's efforts to prevent, protect, rehabilitate, and empower victims align with the mandates of *hifz al-nafs* and *hifz al-'ird*. Various contemporary studies also emphasize the urgency of multisectoral approaches, especially because trafficking is embedded in networks of poverty, limited education, vulnerable migration, and gender inequality. Effective implementation, therefore,

requires synergy between legal policies, socio economic empowerment, and the strengthening of public moral awareness.

However, this study also highlights several implementation gaps across regions, particularly concerning inter agency coordination, institutional capacity, and the availability of economic reintegration services for victims. These gaps indicate that legal substance alone is insufficient without a consistent and sustainable policy ecosystem. From a *maqasid* perspective, policies that fail to generate tangible welfare or do not close the pathways of structural injustice have not fully achieved the aims of the Shari'ah.

In the end, the integration of Qur'anic values, *maqasid* principles, and the modern human rights framework leads to the understanding that human protection is not merely the responsibility of the state, but an ethical project requiring the participation of society, religious institutions, and broader social systems. By centering human dignity as the primary orientation, Indonesia not only combats human trafficking from a legal standpoint but also cultivates a social culture that rejects all forms of exploitation. This represents the point of convergence between Islamic values and the constitutional commitments of the state: the creation of a secure, just, and protective social order that upholds every human being as a dignified creation.

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