

Reconstructing Child Protection for Victims of Crime: Integrating Family Law, Institutional Practice, and Maqāṣid al-Sharī'ah (A Study of UPTD PPA Aceh)

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Abstract: Child protection for victims of criminal acts remains a pressing global concern, particularly in jurisdictions where legal frameworks coexist with complex socio-cultural structures. While existing scholarship has largely focused on normative legal analysis or institutional responses, insufficient attention has been given to the interplay between family dysfunction and institutional intervention in shaping the effectiveness of child protection systems. This article addresses this gap by examining the implementation of child protection mechanisms at the Regional Technical Implementation Unit for Women and Children Protection (UPTD PPA Aceh) through an integrative analytical framework combining family law, victim-centered justice, and maqāṣid al-sharī'ah. Employing a socio-legal approach with qualitative methods, this study integrates doctrinal legal analysis with empirical data derived from in-depth interviews, field observations, and case documentation. The findings demonstrate that UPTD PPA Aceh has developed an integrated protection model encompassing legal assistance, psychological recovery, and social reintegration. However, the effectiveness of this model is significantly constrained by structural limitations, weak family support systems, and persistent socio-cultural stigma. This article contributes to the literature by advancing a conceptual framework that situates child protection at the intersection of family responsibility and institutional governance. It further argues that sustainable protection mechanisms require a systemic integration of legal norms, institutional capacity, and family-based resilience, which is normatively consistent with the objectives of maqāṣid al-sharī'ah, particularly the preservation of life (ḥifẓ al-nafs) and lineage (ḥifẓ al-nasl).

Keywords: Child Protection, Victim Justice, Family Law, Maqāṣid al-Sharī'ah, Socio-Legal Studies

Introduction

Violence against children constitutes one of the most persistent and complex challenges in contemporary legal and social systems. Across jurisdictions, children remain disproportionately vulnerable to various forms of harm, including physical abuse, sexual violence, emotional neglect, and exploitation. These forms of violence not only violate fundamental human rights but also generate long-term consequences that affect the psychological, social, and cognitive development of children as future members of society.¹ The persistence of such violence indicates that the existence of legal frameworks alone is insufficient to ensure effective protection, particularly when structural and cultural factors continue to undermine implementation.

In the Indonesian context, the increasing prevalence of child victimization reflects a broader systemic problem within the legal and social protection apparatus. Despite the enactment of comprehensive regulatory instruments, such as Law No. 35 of 2014 on Child Protection and Law No. 12 of 2022 on Sexual Violence Crimes, the incidence of violence against children continues to rise.² This paradox highlights a fundamental disjunction between normative legal provisions and empirical realities, suggesting that the effectiveness of child protection cannot be assessed solely through the existence of legislation. Instead, it requires a deeper examination of how legal norms are operationalized within institutional frameworks and how these frameworks interact with the social environment, particularly the family as the primary unit of child protection.

A growing body of scholarship has addressed child protection from various perspectives, including legal compliance, institutional performance, and human rights advocacy.³ Normative legal studies tend to emphasize the adequacy of statutory regulations and the extent to which they conform to international standards. Meanwhile, institutional analyses focus on the capacity of state agencies to implement protective measures through service delivery mechanisms.⁴ Although these approaches provide valuable insights, they often operate in isolation, failing to capture the interconnected nature of legal, institutional, and social dimensions in shaping the lived experiences of child victims.

More critically, existing studies have not sufficiently addressed the role of family structures in both contributing to and mitigating child victimization. Empirical evidence consistently shows that a significant proportion of violence against children occurs within domestic settings, often perpetrated by individuals

¹ John E.B. Myers, *Child Protection in America: Past, Present, and Future* (New York: Oxford University Press, 2018), 45.

² Republic of Indonesia, Law No. 35 of 2014 on Child Protection; Law No. 12 of 2022 on Sexual Violence Crimes.

³ Tedy Sudjarat, "Legal Protection of Children's Rights," *Kanun Journal of Law* 54 (2011): 111.

⁴ Nurini Apriliana, "Child Protection for Victims of Sexual Violence," 2017.

who occupy positions of trust and authority within the family.⁵ This reality challenges the conventional assumption that the family functions primarily as a protective environment and underscores the need to reconsider its role within the broader child protection system. When the family fails to fulfill its protective function, the responsibility shifts to state institutions; however, institutional intervention alone may not be sufficient to address the underlying causes of vulnerability.

Recent developments in global child protection discourse have emphasized the importance of adopting a victim-centered approach, which prioritizes the needs, rights, and recovery of victims rather than focusing exclusively on punitive measures against perpetrators.⁶ Daly argues that restorative justice frameworks offer a more holistic response to victimization by addressing both the harm experienced by victims and the social context in which that harm occurs.⁷ Similarly, international organizations such as UNICEF have highlighted the necessity of integrating family-based and institutional strategies to ensure sustainable outcomes in child protection.⁸ These perspectives suggest that effective protection requires not only legal enforcement but also the reconstruction of social environments that support the well-being of children.

Within the framework of Islamic legal thought, the protection of children is deeply embedded in the objectives of the law (*maqāṣid al-sharīʿah*), which aim to preserve essential human interests. Classical jurists such as al-Shāṭibī articulate that the ultimate purpose of the Shariʿah lies in safeguarding fundamental necessities, including the protection of life and lineage.⁹ These principles provide a normative foundation for understanding child protection as a moral and legal obligation that extends beyond formal legal systems. Contemporary scholars, including Ibn ʿĀshūr, have further expanded this framework by emphasizing the role of social welfare and collective responsibility in achieving the objectives of the law.¹⁰

Despite the richness of this theoretical tradition, its application in contemporary institutional contexts remains limited. In particular, there is a lack of empirical studies that integrate *maqāṣid al-sharīʿah* with modern child protection practices, especially within state-run institutions. This gap is particularly evident in the Indonesian context, where legal pluralism creates a complex interaction between state law, religious norms, and socio-cultural practices.

⁵ UNICEF, *Hidden in Plain Sight: A Statistical Analysis of Violence against Children* (New York: UNICEF, 2014), 12.

⁶ Kathleen Daly, "What Is Restorative Justice?" *Restorative Justice* 5, no. 1 (2017): 10.

⁷ *Ibid.*

⁸ UNICEF, *Child Protection Strategy* (New York: UNICEF, 2020), p. 33.

⁹ Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharīʿah*, vol. 2 (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1997), 8.

¹⁰ Republic of Indonesia, Law No. 35 of 2014 on Child Protection; Law No. 12 of 2022 on Sexual Violence Crimes.

Against this backdrop, this article examines the implementation of child protection mechanisms at the Regional Technical Implementation Unit for Women and Children Protection (UPTD PPA Aceh). As a state institution operating at the regional level, UPTD PPA plays a crucial role in providing integrated services for victims, including legal assistance, psychological support, and social rehabilitation. However, the effectiveness of these services cannot be fully understood without considering the broader context in which they operate, including the conditions of families and communities from which victims originate.

This study argues that the limitations of existing child protection systems stem from the absence of an integrated framework that connects family responsibility with institutional intervention. By analyzing the practices of UPTD PPA Aceh through a socio-legal lens, this article seeks to demonstrate that effective child protection requires a structural synergy between legal norms, institutional capacity, and family-based support systems. Such an approach not only enhances the practical effectiveness of protection mechanisms but also aligns with the normative objectives of *maqāṣid al-sharī'ah*, thereby bridging the gap between classical legal theory and contemporary institutional practice.

"Based on this background, this study focuses on two main research questions: (1) How effective is the child protection model implemented by UPTD PPA Aceh in responding to crimes against children? and (2) How can the integration of national legal norms, institutional capacity, and the *maqāṣid al-sharī'ah* framework form a more comprehensive model of child protection?"

Theoretical Framework and Research Method

Understanding child protection as a multidimensional phenomenon requires an analytical framework that transcends the limitations of purely normative or institutional approaches. In this regard, this study adopts an integrative theoretical perspective that brings into dialogue contemporary legal theory, victim-centered justice, and Islamic legal philosophy, particularly the doctrine of *maqāṣid al-sharī'ah*. Such an approach is necessary to capture the complex interaction between legal norms, institutional practices, and socio-cultural realities that shape the experiences of child victims of crime.

From the standpoint of modern legal theory, child protection is increasingly framed within the paradigm of the "best interest of the child," a principle that has gained global recognition through international instruments such as the Convention on the Rights of the Child. This principle shifts the focus of legal analysis from formal compliance toward substantive justice, emphasizing outcomes that ensure the well-being and dignity of the child.¹¹ However, while the principle provides a normative benchmark, its implementation often encounters significant

¹¹ UN General Assembly, *Convention on the Rights of the Child* (1989).

challenges in contexts where institutional capacity is limited and socio-cultural barriers persist.

Complementing this perspective is the framework of victim-centered justice, which has emerged as a critical response to the limitations of retributive legal systems. Traditional criminal justice approaches tend to prioritize the punishment of offenders, often neglecting the needs and recovery of victims. In contrast, victim-centered justice emphasizes restoration, empowerment, and the active participation of victims in the justice process.¹² Daly argues that this approach is particularly relevant in cases involving vulnerable groups, such as children, where the primary objective should be the restoration of the victim's well-being rather than merely the imposition of sanctions.¹³ This shift in orientation is reflected in contemporary legal reforms that incorporate psychological support, social reintegration, and long-term recovery as integral components of child protection.

At the same time, this study engages with Islamic legal thought to provide a normative foundation that resonates with the socio-cultural context of Aceh. The theory of *maqāṣid al-sharī'ah* offers a comprehensive framework for understanding the objectives of the law, which extend beyond formal rules to encompass the protection of fundamental human interests. Classical scholars such as al-Shāṭibī articulate that the *Sharī'ah* is fundamentally oriented toward the preservation of essential necessities (*al-ḍarūriyyāt*), including life, lineage, intellect, religion, and property.¹⁴ Within this framework, the protection of children can be understood as a direct manifestation of the principles of *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-nasl* (protection of lineage).

The relevance of *maqāṣid al-sharī'ah* in contemporary legal contexts lies in its flexibility and its emphasis on achieving substantive justice (*maṣlaḥah*). Ibn 'Āshūr expands this perspective by arguing that the objectives of the *Sharī'ah* should be interpreted in light of changing social conditions, thereby allowing for the development of legal norms that respond to contemporary challenges.¹⁵ This dynamic understanding of Islamic law provides a valuable framework for integrating traditional values with modern institutional practices, particularly in regions such as Aceh where Islamic legal principles continue to influence social and legal norms.

By bringing together these theoretical perspectives, this study constructs an analytical framework that views child protection as a process of interaction between three interrelated domains: legal norms, institutional mechanisms, and

¹² John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford: Oxford University Press, 2002), p. 11.

¹³ Kathleen Daly, "What Is Restorative Justice?" *Restorative Justice* 5, no. 1 (2017): 10–12.

¹⁴ Abū Ishāq al-Shāṭibī, *al-Mumāfaqāt fī Uṣūl al-Sharī'ah*, vol. 2 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1997), 8.

¹⁵ Muḥammad al-Ṭāhir Ibn 'Āshūr, *Maqāṣid al-Sharī'ah al-Islāmiyyah* (Tunis: Dār al-Salām, 2001), p. 51.

family structures. Rather than treating these domains as separate entities, this framework emphasizes their interdependence and the need for coordination among them. The failure of any one component—whether it be the inadequacy of legal enforcement, the limitations of institutional capacity, or the breakdown of family support—can significantly undermine the effectiveness of the entire protection system.

In order to operationalize this framework, this study employs a socio-legal research method that integrates doctrinal legal analysis with empirical investigation. The socio-legal approach is particularly suited to this study because it allows for the examination of law not merely as a set of abstract rules but as a social institution that interacts with and is shaped by broader societal forces.¹⁶ This approach recognizes that legal norms derive their meaning and effectiveness from the context in which they are applied, and therefore must be analyzed in relation to social practices and institutional realities.

The empirical component of this research is based on qualitative data collected through in-depth interviews, field observations, and document analysis. Interviews were conducted with key stakeholders involved in the implementation of child protection at UPTD PPA Aceh, including social workers, legal officers, and institutional administrators. To capture a comprehensive understanding of institutional practices, this research employed in-depth interviews with a range of practitioners responsible for child protection at UPTD PPA Aceh, spanning social work, legal assistance, and institutional management, alongside field observations and a thorough review of case documentation. These interviews aimed to capture the perspectives of practitioners regarding the challenges and limitations of existing protection mechanisms, as well as the strategies employed to address them. In addition, observations of case handling processes were undertaken to gain insight into the practical dynamics of service delivery, particularly in relation to the interaction between victims, families, and institutional actors.

Document analysis was also conducted to examine relevant legal instruments, policy guidelines, and institutional reports. This component of the research provides a normative and structural context for understanding the operation of UPTD PPA Aceh within the broader legal framework of child protection in Indonesia. By triangulating data from multiple sources, this study seeks to enhance the validity and reliability of its findings, ensuring that the analysis reflects both normative expectations and empirical realities.

The analytical process follows an iterative model, drawing on the framework developed by Miles and Huberman, which involves data reduction, data display, and conclusion drawing.¹⁷ This method allows for the systematic

¹⁶ Roger Cotterrell, *The Sociology of Law: An Introduction* (London: Butterworths, 1992), p. 5.

¹⁷ Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 3rd ed. (London: Sage, 2014), 12.

organization and interpretation of qualitative data, enabling the identification of patterns, themes, and relationships that inform the study's conclusions. At the same time, the analysis is guided by the theoretical framework outlined above, particularly the principles of *maqāṣid al-sharī'ah*, which serve as a normative lens for evaluating the effectiveness of child protection practices.

Through this methodological approach, the study moves beyond descriptive analysis to provide a more explanatory account of the factors that shape child protection outcomes. It seeks not only to document institutional practices but also to understand the underlying dynamics that influence their effectiveness, including the role of family structures, cultural norms, and resource constraints. In doing so, the study contributes to the development of a more comprehensive and context-sensitive understanding of child protection, which is essential for the formulation of effective policies and interventions.

Findings and Discussion

Institutional Practice of Child Protection: Between Normative Compliance and Practical Limitations

The empirical investigation conducted at the Regional Technical Implementation Unit for Women and Children Protection (UPTD PPA Aceh) demonstrates that the institutional framework for child protection has evolved toward a formally integrated model. This model incorporates multiple layers of service provision, including legal assistance, psychological counseling, medical referral, and temporary shelter. At a structural level, this configuration reflects the broader policy orientation embedded in Indonesia's child protection regime, which has increasingly adopted a victim-centered paradigm in response to global legal developments.¹⁸

However, a closer examination reveals that this apparent institutional integration operates within a set of constraints that significantly limit its effectiveness. While procedures are formally aligned with statutory requirements, particularly those mandated under Law No. 35 of 2014 and Law No. 12 of 2022, the translation of these norms into practice remains uneven. This discrepancy between normative compliance and practical implementation reflects what Cotterrell describes as the "social embeddedness of law," where legal rules derive their meaning not from formal articulation but from their interaction with social institutions and practices.¹⁹

¹⁸ Republic of Indonesia, Law No. 35 of 2014 on Child Protection; Law No. 12 of 2022 on Sexual Violence Crimes.

¹⁹ Roger Cotterrell, *The Sociology of Law: An Introduction* (London: Butterworths, 1992), p. 5

One of the most salient constraints identified in this study is the limitation of institutional resources. Interviews with practitioners indicate that the number of trained personnel is insufficient relative to the volume and complexity of cases handled. This shortage affects not only the speed of case processing but also the quality of intervention, particularly in cases requiring sustained psychological support. The importance of institutional capacity in determining child protection outcomes has been widely documented in comparative research. Gilbert et al., for instance, argue that even well-designed legal frameworks may fail when institutional infrastructures lack the necessary resources and coordination mechanisms.²⁰

Beyond resource constraints, the study identifies significant challenges in inter-agency coordination. Child protection cases often require the involvement of multiple actors, including law enforcement agencies, healthcare providers, social services, and judicial institutions. However, the absence of a fully integrated coordination mechanism results in fragmented responses, where each institution operates within its own procedural framework without adequate synchronization. This fragmentation not only delays case resolution but also creates gaps in service delivery, particularly in the transition from legal processing to social rehabilitation.

This phenomenon can be understood within the broader critique of legal formalism, which emphasizes that compliance with procedural requirements does not necessarily produce substantive justice. As Cotterrell notes, legal systems that prioritize formal adherence to rules may overlook the broader social conditions that shape the effectiveness of those rules.²¹ In the context of child protection, this limitation manifests in the tendency to treat cases as discrete legal events rather than as part of a continuum of care requiring long-term intervention.

Another critical issue identified in the field is the limited scope of post-case monitoring. While UPID PPA Aceh provides initial support during the reporting and legal process, follow-up mechanisms for assessing the long-term well-being of victims remain underdeveloped. This gap is particularly significant in cases involving severe trauma, where recovery requires sustained psychological and social support. Research in child psychology and victim studies consistently demonstrates that the impact of abuse extends far beyond the immediate incident, often affecting victims' emotional stability, social relationships, and future life trajectories.²²

From the perspective of victim-centered justice, this limitation represents a fundamental shortcoming. Daly argues that justice for victims should not be measured solely by the punishment of offenders but by the extent to which the harm experienced by victims is addressed and mitigated.²³ Similarly, Braithwaite's

²⁰ Ruth Gilbert et al., "Burden and Consequences of Child Maltreatment in High-Income Countries," *The Lancet* 373, no. 9657 (2009): 68–81.

²¹ Cotterrell, *The Sociology of Law*, p. 7.

²² John E.B. Myers, *Child Protection in America: Past, Present, and Future* (New York: Oxford University Press, 2018), 45.

²³ Kathleen Daly, "What Is Restorative Justice?" *Restorative Justice* 5, no. 1 (2017): 10–12.

theory of restorative justice emphasizes the importance of repairing harm through processes that involve not only legal sanction but also social and emotional restoration.²⁴ The findings of this study suggest that while elements of this approach are present in the institutional framework, their implementation remains partial and inconsistent.

The analysis also reveals that institutional responses are often reactive rather than preventive. Most interventions occur after violence has already taken place, with limited emphasis on early detection or prevention strategies. This reactive orientation reflects a broader pattern in child protection systems, where resources are disproportionately allocated to crisis management rather than to addressing underlying risk factors. Finkelhor's work on child abuse prevention highlights the importance of proactive strategies, including education, community awareness, and early intervention, in reducing the incidence of violence.²⁵

When viewed through the lens of *maqāṣid al-sharī'ah*, these limitations point to an incomplete realization of the objectives of the law. The principle of *ḥifẓ al-nafs* (protection of life) extends beyond the prevention of physical harm to include the preservation of psychological well-being and human dignity. Al-Shāṭibī emphasizes that the objectives of the *Sharī'ah* must be understood in a comprehensive manner, encompassing all aspects of human welfare.²⁶ In this sense, institutional practices that focus primarily on procedural compliance without ensuring long-term recovery fall short of fulfilling the broader ethical mandate of the law.

Ibn 'Āshūr further develops this perspective by emphasizing the role of social institutions in achieving the objectives of the *Sharī'ah*. He argues that when primary structures such as the family fail to provide adequate protection, the responsibility shifts to the state and society to establish mechanisms that ensure the well-being of vulnerable individuals.²⁷¹⁰ The findings of this study suggest that while UPTD PPA Aceh plays an important role in this regard, its capacity to fully assume this responsibility is constrained by structural and operational limitations.

Taken together, these findings indicate that the effectiveness of institutional child protection cannot be evaluated solely on the basis of formal compliance with legal norms. Instead, it must be assessed in terms of its capacity to provide comprehensive, sustained, and context-sensitive support for victims. This requires not only strengthening institutional capacity but also rethinking the underlying

²⁴ John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford: Oxford University Press, 2002), 11.

²⁵ David Finkelhor, "The Prevention of Childhood Sexual Abuse," *The Future of Children* 19, no. 2 (2009): 169–94.

²⁶ Abū Ishāq al-Shāṭibī, *al-Mumāfaqāt fī Uṣūl al-Sharī'ah*, vol. 2 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1997), p. 8.

²⁷ Muḥammad al-Ṭāhir Ibn 'Āshūr, *Maqāṣid al-Sharī'ah al-Islāmiyyah* (Tunis: Dār al-Salām, 2001), p. 51.

approach to child protection, shifting from a reactive and procedural model toward a proactive and holistic framework.

Family Dysfunction and Socio-Cultural Barriers in Child Protection

One of the most critical findings of this study lies in the structural role of family dysfunction in shaping both the occurrence of violence against children and the limitations of institutional intervention. Contrary to the normative assumption that the family serves as the primary locus of protection, the empirical evidence from UPTD PPA Aceh reveals that the family frequently operates as a site of vulnerability, where patterns of abuse are both produced and sustained. This finding is consistent with global research indicating that a significant proportion of child maltreatment occurs within domestic environments, often involving perpetrators who are closely related to the victim.²⁸

The data collected in this study show that many cases handled by UPTD PPA originate from intra-familial violence, including abuse perpetrated by parents, step-parents, or extended family members. This pattern reflects what Widom describes as the “cycle of violence,” in which exposure to abuse during childhood increases the likelihood of both victimization and perpetration in later life.²⁹ The persistence of such cycles suggests that child protection cannot be effectively addressed without confronting the internal dynamics of the family as a social institution.

A key factor contributing to this dynamic is the interplay between economic dependency and power relations within the household. In several cases, victims or their caregivers expressed reluctance to report abuse due to financial reliance on the perpetrator, particularly when the perpetrator was the primary breadwinner. This finding aligns with research by Heimer and Kruttschnitt, who argue that patterns of victimization are closely linked to structural inequalities and gendered power relations within families.³⁰ In such contexts, the decision to report violence is not merely a legal matter but a complex negotiation shaped by economic survival and social expectations.

In addition to economic factors, socio-cultural norms play a significant role in shaping responses to child abuse. The study finds that stigma associated with reporting violence—particularly sexual abuse—often discourages families from seeking institutional assistance. Concerns about family reputation, community perception, and social exclusion frequently lead to underreporting or withdrawal of cases. This phenomenon has been widely documented in cross-cultural studies,

²⁸ UNICEF, *Hidden in Plain Sight: A Statistical Analysis of Violence against Children* (New York: UNICEF, 2014), 12.

²⁹ Cathy Spatz Widom, “The Cycle of Violence,” *Science* 244, no. 4901 (1989): 160–66, <https://doi.org/10.1126/science.2704995>

³⁰ Karen Heimer and Candace Kruttschnitt, *Gender and Crime: Patterns of Victimization and Offending* (New York: NYU Press, 2006), p. 78.

which highlight how cultural constructions of honor and shame can act as barriers to justice.³¹ Fontes emphasizes that in many societies, the disclosure of abuse is perceived not only as a personal issue but as a threat to collective identity, thereby reinforcing silence and denial.³²

These socio-cultural barriers are further compounded by the normalization of certain forms of violence within disciplinary practices. Runyan et al. demonstrate that harsh disciplinary methods are often culturally accepted, blurring the distinction between discipline and abuse.³³ In the context of this study, some forms of physical punishment were initially not recognized as violence by family members, reflecting deeply embedded cultural perceptions of authority and control. Such normalization complicates institutional efforts to intervene, as it creates resistance to external definitions of harm and protection.

Another significant dimension of family dysfunction identified in this study is the lack of psychological awareness and parenting capacity. Interviews with practitioners reveal that many caregivers lack the knowledge and skills necessary to provide emotional support for child victims, particularly in cases involving trauma. This limitation not only affects the immediate recovery process but also increases the risk of long-term psychological harm. Myers emphasizes that effective child protection requires not only legal intervention but also the development of supportive caregiving environments that facilitate healing and resilience.³⁴

The interaction between these factors—economic dependency, socio-cultural norms, normalization of violence, and limited parenting capacity—creates a structural environment in which child protection becomes exceptionally difficult. Institutional interventions, while necessary, often operate within these constraints and therefore struggle to produce sustainable outcomes. This finding supports the argument advanced by Jonson-Reid and Drake that child welfare outcomes are shaped by complex, multisystem interactions that extend beyond the scope of any single institution.³⁵

From the perspective of victim-centered justice, the role of the family presents a paradox. On the one hand, the family is expected to provide emotional support and facilitate recovery; on the other hand, it may be the source of harm or a barrier to justice. Daly notes that restorative approaches must carefully navigate

³¹ Stephanie Holt, “Domestic Violence and the Paradox of Children’s Participation,” *Child Abuse Review* 25, no. 5 (2016): 363–75, <https://doi.org/10.1002/car.2442>.

³² Lisa Aronson Fontes, *Child Abuse and Culture: Working with Diverse Families* (New York: Guilford Press, 2010), p. 45.

³³ Desmond K. Runyan et al., “International Variations in Harsh Child Discipline,” *Pediatrics* 126, no. 3 (2010): e701–e711, <https://doi.org/10.1542/peds.2010-0314>.

³⁴ John E. B. Myers, *Child Protection in America: Past, Present, and Future* (New York: Oxford University Press, 2018), p. 45.

³⁵ Melissa Jonson-Reid and Brett Drake, “Multisystem Involvement in Child Welfare,” *Child Abuse & Neglect* 34, no. 8 (2010): 606–13, <https://doi.org/10.1016/j.chiabu.2010.03.008>.

these dynamics, ensuring that the involvement of family members does not reproduce power imbalances or further harm the victim.³⁶ The findings of this study suggest that such considerations are not yet fully integrated into institutional practices, which often assume the cooperation of families without adequately addressing underlying dysfunctions.

When analyzed through the framework of *maqāṣid al-sharī'ah*, the failure of the family to fulfill its protective function represents a significant deviation from its normative role. The principle of *ḥifẓ al-nasl* (protection of lineage) implies not only biological continuity but also the safeguarding of moral, psychological, and social well-being within the family unit. Al-Shāṭibī emphasizes that the preservation of lineage encompasses the establishment of conditions that ensure the proper upbringing and development of children.³⁷

Ibn 'Āshūr further elaborates that when primary institutions such as the family fail to achieve these objectives, the responsibility shifts to the broader society and the state.³⁸ This perspective provides a normative justification for institutional intervention while simultaneously highlighting its limitations. Institutions can compensate for certain deficiencies, but they cannot fully replace the role of the family in providing continuous care and emotional support.

This analysis leads to an important theoretical implication: child protection must be conceptualized not as a linear process of intervention but as a systemic interaction between family, institution, and society. The effectiveness of protection mechanisms depends on the alignment of these components, and failure in one domain can undermine the entire system.

Moreover, the findings suggest that addressing family dysfunction requires a shift from reactive to preventive strategies. This includes the development of community-based programs aimed at strengthening parenting capacity, raising awareness about child rights, and challenging harmful cultural norms. Such approaches are consistent with global policy recommendations that emphasize the importance of prevention in reducing child maltreatment.³⁹

In practical terms, this implies that institutions such as UPTD PPA Aceh must expand their role beyond case handling to include community engagement and family support initiatives. Without such efforts, institutional interventions will continue to operate within a structural environment that reproduces vulnerability.

³⁶ Kathleen Daly, "What Is Restorative Justice?" *Restorative Justice* 5, no. 1 (2017): 9–28, <https://doi.org/10.1080/20504721.2017.1282814>.

³⁷ Abū Ishāq al-Shāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, vol. 2 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1997), 8.

³⁸ Muḥammad al-Ṭāhir Ibn 'Āshūr, *Maqāṣid al-Sharī'ah al-Islāmiyyah* (Tunis: Dār al-Salām, 2001), 51.

³⁹ UNICEF, *Child Protection Strategy* (New York: UNICEF, 2020), p. 33.

Ultimately, the analysis underscores that child protection cannot be effectively achieved without confronting the complex realities of family life. While legal and institutional frameworks are essential, their success depends on their ability to engage with and transform the social conditions that shape vulnerability. This requires a holistic approach that integrates legal enforcement, institutional capacity, and family-based interventions within a coherent and context-sensitive framework.

Toward an Integrative Model of Child Protection: Bridging Legal Norms, Institutional Practice, and Maqāṣid al-Sharī‘ah

The preceding analysis demonstrates that child protection in the context of UPTD PPA Aceh cannot be adequately understood through a single analytical lens. Neither legal frameworks, institutional mechanisms, nor family structures alone are sufficient to ensure effective protection. Instead, the findings point to the necessity of an integrative model that conceptualizes child protection as a systemic interaction between these three domains. This section develops such a model, positioning it as the primary theoretical contribution of this study.

At the core of this model is the recognition that legal norms provide the foundational framework for defining rights, obligations, and procedures. Indonesia’s statutory regime—particularly Law No. 35 of 2014 on Child Protection and Law No. 12 of 2022 on Sexual Violence Crimes—reflects a normative commitment to safeguarding children through a victim-centered approach. However, as socio-legal scholarship has consistently emphasized, the existence of legal norms does not guarantee their effectiveness. Cotterrell argues that law operates within a network of social institutions, and its impact depends on how it is interpreted and implemented in practice.⁴⁰

The empirical findings of this study confirm this theoretical insight. While UPTD PPA Aceh demonstrates compliance with legal procedures, the effectiveness of its interventions is mediated by institutional capacity and social context. This highlights the second component of the model: institutional practice. Institutions serve as the operational arm of the law, translating abstract norms into concrete actions. However, as Gilbert et al. note, institutional effectiveness is contingent upon resources, coordination, and organizational capacity⁴¹ Without these elements, even well-designed legal frameworks may fail to produce meaningful outcomes.

The third component—family structure—emerges as the most complex and least predictable element of the system. As demonstrated in the previous

⁴⁰ Roger Cotterrell, *The Sociology of Law: An Introduction* (London: Butterworths, 1992), 5.

⁴¹ Ruth Gilbert et al., “Burden and Consequences of Child Maltreatment in High-Income Countries,” *The Lancet* 373, no. 9657 (2009): 68–81, [https://doi.org/10.1016/S0140-6736\(08\)61706-7](https://doi.org/10.1016/S0140-6736(08)61706-7).

section, families can function both as protective environments and as sources of harm. This dual role introduces a level of uncertainty that cannot be fully addressed through legal or institutional mechanisms alone. Jonson-Reid and Drake emphasize that child welfare outcomes are shaped by interactions across multiple systems, including family, community, and state institutions.³ This insight reinforces the need for a model that integrates these dimensions rather than treating them as separate domains.

Building on these findings, this study proposes an integrative model structured around three interdependent axes: normative alignment, institutional capacity, and relational resilience. Normative alignment refers to the coherence between legal frameworks and broader ethical principles, including those derived from *maqāṣid al-sharīʿah*. Institutional capacity encompasses the resources, coordination mechanisms, and professional competencies required to implement protection measures effectively. Relational resilience, meanwhile, captures the ability of family and community structures to support the well-being and recovery of child victims.

The incorporation of *maqāṣid al-sharīʿah* into this model represents a key element of its novelty. While previous studies have examined child protection from legal or socio-cultural perspectives, few have systematically integrated Islamic legal theory into empirical institutional analysis. The *maqāṣid* framework provides a normative foundation that extends beyond formal legal compliance, emphasizing the preservation of essential human interests. Al-Shāṭibī's formulation of the objectives of the law underscores the importance of protecting life, lineage, and dignity, all of which are directly relevant to child protection.⁴²

Ibn ʿĀshūr expands this framework by advocating for a dynamic and context-sensitive interpretation of *maqāṣid*, one that responds to contemporary social challenges.⁴³ This perspective is particularly relevant in the context of Aceh, where Islamic legal principles coexist with national legal frameworks. By integrating *maqāṣid* into the analysis, this study bridges the gap between traditional normative systems and modern institutional practices, offering a more holistic understanding of child protection.

From a theoretical standpoint, the proposed model advances the field in three significant ways. First, it moves beyond the dichotomy between legal formalism and social practice by demonstrating how these dimensions interact within a unified system. Second, it introduces the concept of relational resilience as a critical factor in determining protection outcomes, thereby expanding the analytical focus beyond institutions to include family dynamics. Third, it provides a

⁴² Abū Ishāq al-Shāṭibī, *al-Mumāfaqāt fī Uṣūl al-Sharīʿah*, vol. 2 (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1997), p. 8.

⁴³ Muḥammad al-Ṭāhir Ibn ʿĀshūr, *Maqāṣid al-Sharīʿah al-Islāmiyyah* (Tunis: Dār al-Salām, 2001), p. 51.

normative framework grounded in *maqāṣid al-sharīʿah*, offering a culturally relevant foundation for policy development in Muslim-majority contexts.

In practical terms, the implementation of this model requires a series of strategic reforms. At the legal level, there is a need to ensure that statutory provisions are interpreted in a manner consistent with both international human rights standards and *maqāṣid* principles. This involves not only legal reform but also the development of interpretive guidelines that emphasize the best interests of the child as a substantive rather than procedural standard.⁴⁴

At the institutional level, strengthening capacity is essential. This includes increasing the number of trained personnel, improving inter-agency coordination, and developing standardized protocols for long-term monitoring and support. As Shlonsky and Fulcher argue, effective child protection systems depend on the integration of services across multiple sectors, including health, education, and social welfare.⁴⁵

At the family and community level, interventions must focus on building relational resilience. This involves promoting positive parenting practices, increasing awareness of child rights, and addressing socio-cultural norms that perpetuate violence. Woodhead and Dornan emphasize that translating children's rights into practice requires engagement with local communities and the transformation of social norms.⁴⁶

Importantly, these reforms must be understood as interconnected rather than isolated measures. The effectiveness of legal reforms depends on institutional capacity, while institutional interventions are shaped by family dynamics and social context. This interdependence underscores the importance of adopting a systemic approach to child protection, one that recognizes the complexity of the problem and the need for coordinated solutions.

The integrative model proposed in this study also has broader implications for comparative research. While the analysis is grounded in the specific context of Aceh, the underlying principles are applicable to other settings characterized by legal pluralism and socio-cultural complexity. By combining socio-legal analysis with *maqāṣid al-sharīʿah*, the model offers a framework that can be adapted to diverse contexts while maintaining a strong normative foundation.

Ultimately, the contribution of this study lies not only in its empirical findings but in its ability to synthesize multiple theoretical perspectives into a

⁴⁴ UN General Assembly, *Convention on the Rights of the Child*, 1989.

⁴⁵ Aron Shlonsky and Leon Fulcher, "Child Welfare and Family Support: Informing the Future of Child Welfare Services," *Children and Youth Services Review* 31, no. 7 (2009): 735–39, <https://doi.org/10.1016/j.childyouth.2009.01.002>.

⁴⁶ Martin Woodhead and Joanna Dornan, "Putting Children's Rights into Practice," *Oxford Review of Education* 44, no. 3 (2018): 307–25, <https://doi.org/10.1080/03054985.2018.1449115>.

coherent framework. By bridging legal norms, institutional practice, and family dynamics, and by grounding this synthesis in *maqāṣid al-sharī'ah*, the study provides a comprehensive approach to child protection that addresses both structural and normative dimensions. This integrative perspective is essential for developing effective and sustainable protection systems in an increasingly complex and interconnected world.

Conclusion

This study has demonstrated that child protection for victims of crime cannot be effectively understood or implemented through a single-dimensional approach. The findings reveal that despite the existence of relatively comprehensive legal frameworks in Indonesia, including Law No. 35 of 2014 on Child Protection and Law No. 12 of 2022 on Sexual Violence Crimes, the persistence of violence against children reflects a structural gap between normative regulation and lived reality. This gap is not merely a matter of weak enforcement but is rooted in the complex interaction between legal norms, institutional practices, and family dynamics.

At the institutional level, the analysis shows that UPTD PPA Aceh has developed an integrated service model that aligns with contemporary victim-centered approaches. However, its effectiveness remains constrained by limited resources, fragmented inter-agency coordination, and the absence of sustained post-case monitoring mechanisms. These findings reinforce broader socio-legal critiques that emphasize the limitations of legal formalism when it is not supported by adequate institutional capacity and systemic integration. In this context, law operates not as an autonomous force but as part of a broader social system whose effectiveness depends on the alignment of multiple actors and structures.

More fundamentally, this study highlights the central role of family dysfunction as a structural barrier to effective child protection. The empirical evidence demonstrates that the family, often assumed to be the primary locus of care and protection, may instead function as a site of vulnerability where violence is produced, normalized, and concealed. Economic dependency, socio-cultural stigma, and unequal power relations within the household significantly shape both the occurrence of violence and the willingness to seek institutional intervention. These dynamics underscore the need to reconceptualize child protection as a systemic issue that extends beyond legal and institutional domains into the realm of social relations and cultural practices.

Against this backdrop, the primary contribution of this study lies in the development of an integrative conceptual model that bridges legal norms, institutional practice, and family structures. By introducing the interrelated dimensions of normative alignment, institutional capacity, and relational resilience, the model provides a comprehensive framework for understanding the conditions under which child protection systems can function effectively. Unlike existing

approaches that tend to isolate these components, this model emphasizes their interdependence and the need for coordinated interventions across multiple levels.

A distinctive feature of this contribution is the integration of *maqāṣid al-sharī'ah* into the analytical framework. By grounding child protection in the principles of preserving life (*ḥifẓ al-nafs*) and safeguarding human dignity, the study offers a normative foundation that complements contemporary legal and policy approaches. This integration not only enhances the ethical dimension of child protection but also provides a culturally resonant framework for policy development in Muslim-majority contexts. In doing so, the study addresses a significant gap in the literature, where the potential of Islamic legal theory to inform modern institutional practices remains underexplored.

The implications of this study are both theoretical and practical. Theoretically, it advances socio-legal scholarship by demonstrating the importance of integrating normative, institutional, and relational perspectives in the analysis of legal effectiveness. It also contributes to the growing body of literature on child protection by foregrounding the role of family dynamics as a central variable rather than a peripheral consideration. Practically, the findings call for a shift from reactive, case-based interventions toward proactive, system-oriented strategies that address the root causes of vulnerability. This includes strengthening institutional capacity, enhancing inter-agency coordination, and developing community-based programs aimed at improving parenting practices and transforming harmful social norms.

Nevertheless, this study is not without limitations. Its empirical focus on a single institutional context may limit the generalizability of its findings, although the theoretical framework developed here is adaptable to other settings characterized by legal pluralism and socio-cultural complexity. Future research should explore comparative analyses across different regions and legal systems, as well as incorporate quantitative data to complement the qualitative insights presented in this study. In particular, further investigation is needed into the long-term effectiveness of integrated child protection models and the role of community-based interventions in sustaining protection outcomes.

In conclusion, effective child protection requires a fundamental reorientation from fragmented interventions toward systemic integration. Legal norms, institutional mechanisms, and family structures must be understood as interconnected components of a broader ecosystem of protection. Without such integration, efforts to protect children will remain partial and unsustainable. By offering an integrative framework grounded in both socio-legal theory and *maqāṣid al-sharī'ah*, this study provides a pathway for rethinking child protection in a manner that is both analytically rigorous and normatively grounded.

Based on the findings of this study, several policy recommendations are proposed for local governments and legislative bodies. First, local governments,

particularly in Aceh, should establish multi-agency coordination task forces to integrate UPTD PPA's services with health, educational, and social welfare sectors, ensuring sustained post-case monitoring. Second, legislative bodies must strengthen the implementation of Law No. 35 of 2014 and Law No. 12 of 2022 by formulating specific regional regulations (qanun) that incorporate Islamic legal principles and family resilience. Finally, policymakers should allocate targeted financial resources to support community-based early intervention and preventive programs.

Bibliography

Braithwaite, John. *Restorative Justice and Responsive Regulation*. Oxford: Oxford University Press, 2002.

Cashmore, Judy. "The Link between Child Maltreatment and Adolescent Offending." *Child Abuse & Neglect* 35, no. 8 (2011): 613–21. <https://doi.org/10.1016/j.chiabu.2011.03.008>.

Cotterrell, Roger. *The Sociology of Law: An Introduction*. London: Butterworths, 1992.

Daly, Kathleen. "What Is Restorative Justice?" *Restorative Justice* 5, no. 1 (2017): 9–28. <https://doi.org/10.1080/20504721.2017.1282814>.

Finkelhor, David. "The Prevention of Childhood Sexual Abuse." *The Future of Children* 19, no. 2 (2009): 169–94. <https://doi.org/10.1353/foc.0.0035>.

Fontes, Lisa Aronson. *Child Abuse and Culture: Working with Diverse Families*. New York: Guilford Press, 2010.

Gilbert, Ruth, Cathy Spatz Widom, Kevin Browne, David Fergusson, Elspeth Webb, and Staffan Janson. "Burden and Consequences of Child Maltreatment in High-Income Countries." *The Lancet* 373, no. 9657 (2009): 68–81. [https://doi.org/10.1016/S0140-6736\(08\)61706-7](https://doi.org/10.1016/S0140-6736(08)61706-7).

Heimer, Karen, and Candace Kruttschnitt. *Gender and Crime: Patterns of Victimization and Offending*. New York: NYU Press, 2006.

Herring, Jonathan. "The Human Rights of Children." *Modern Law Review* 74, no. 2 (2011): 177–210. <https://doi.org/10.1111/j.1468-2230.2011.00843.x>.

Holt, Stephanie. "Domestic Violence and the Paradox of Children's Participation." *Child Abuse Review* 25, no. 5 (2016): 363–75. <https://doi.org/10.1002/car.2442>.

Ibn ‘Āshūr, Muḥammad al-Ṭāhir. *Maqāṣid al-Sharī‘ah al-Islāmiyyah*. Tunis: Dār al-Salām, 2001.

Jonson-Reid, Melissa, and Brett Drake. “Multisystem Involvement in Child Welfare.” *Child Abuse & Neglect* 34, no. 8 (2010): 606–13. <https://doi.org/10.1016/j.chiabu.2010.03.008>.

Miles, Matthew B., A. Michael Huberman, and Johnny Saldaña. *Qualitative Data Analysis: A Methods Sourcebook*. 3rd ed. London: Sage Publications, 2014.

Myers, John E. B. *Child Protection in America: Past, Present, and Future*. New York: Oxford University Press, 2018.

Nussbaum, Martha C. *Creating Capabilities: The Human Development Approach*. Cambridge: Harvard University Press, 2011.

Parton, Nigel. *The Politics of Child Protection: Contemporary Developments and Future Directions*. London: Palgrave Macmillan, 2014.

Republic of Indonesia. Law No. 35 of 2014 on Child Protection.

Republic of Indonesia. Law No. 12 of 2022 on Sexual Violence Crimes.

Runyan, Desmond K., et al. “International Variations in Harsh Child Discipline.” *Pediatrics* 126, no. 3 (2010): e701–e711. <https://doi.org/10.1542/peds.2010-0314>.

Shlonsky, Aron, and Leon Fulcher. “Child Welfare and Family Support: Informing the Future of Child Welfare Services.” *Children and Youth Services Review* 31, no. 7 (2009): 735–39. <https://doi.org/10.1016/j.childyouth.2009.01.002>.

al-Shāṭibī, Abū Ishāq. *al-Muwāfaqāt fī Uṣūl al-Sharī‘ah*. Vol. 2. Beirut: Dār al-Kutub al-‘Ilmiyyah, 1997.

UN General Assembly. *Convention on the Rights of the Child*. 1989.

UNICEF. *Child Protection Strategy*. New York: UNICEF, 2020.

UNICEF. *Hidden in Plain Sight: A Statistical Analysis of Violence against Children*. New York: UNICEF, 2014.

Widom, Cathy Spatz. “The Cycle of Violence.” *Science* 244, no. 4901 (1989): 160–66. <https://doi.org/10.1126/science.2704995>.

Woodhead, Martin, and Joanna Dornan. "Putting Children's Rights into Practice." *Oxford Review of Education* 44, no. 3 (2018): 307–25. <https://doi.org/10.1080/03054985.2018.1449115>.