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Reconstruction of the Protection of Vulnerable Groups in the Perspective of *Karāmah Al-Insān* and *Maqāṣid Al-Syarī'ah* in Islamic Law

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Abstract. *The protection of vulnerable groups is one of the strategic issues in the development of modern law because it relates to respect for human dignity, the fulfillment of basic rights, and the achievement of social justice. From the perspective of Islamic law, the protection of vulnerable groups is actually rooted in the concept of karāmah al-insān which affirms the glory of every human being and the theory of maqāṣid al-syarī'ah which is oriented towards the benefit and protection of basic rights. However, the developing protection paradigm still tends to be legalistic and textual so that it is not fully able to respond to the dynamics of vulnerability in contemporary society. This study aims to analyze the normative foundation of the protection of vulnerable groups in the perspective of karāmah al-insān and maqāṣid al-syarī'ah, the research uses normative legal research methods with conceptual, philosophical, and legislative approaches. Data was obtained through literature studies on primary, secondary, and tertiary legal materials. The results of the study show that the concept of karāmah al-insān is a philosophical foundation that places every human being as a subject of law who has inherent dignity so that he is entitled to protection without discrimination. Meanwhile, maqāṣid al-syarī'ah provides a normative framework in realizing the protection of basic rights through the principles of protection of religion, soul, intellect, descent and property. This study also found that the paradigm of protection of vulnerable groups is still dominated by legalistic and charitable approaches so that it does not fully accommodate the principles of substantive justice and respect for human dignity.*

Keywords: *Law; Legal; Protection; Vulnerable.*

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1) Introduction

The protection of vulnerable groups is one of the issues that is gaining increasing attention in the development of international law, national law, and contemporary Islamic law. Changes in social structures, technological developments, globalization, armed conflicts, climate change, and increasing economic inequality have given birth to various forms of vulnerability that affect the ability of individuals and groups to enjoy their basic rights equally. In this context, vulnerable groups are understood as groups of people who have a higher level of risk of discrimination, violence, exploitation, marginalization, and limited access to public services compared to the general public. These groups include women, children, persons with disabilities, the elderly, the poor, migrant workers, victims of trafficking, refugees, indigenous peoples, and minority groups in weakened social, economic, and political positions.¹

From a modern legal perspective, the protection of vulnerable groups is a manifestation of respect for *human rights* and the principle of equality *before the law*. The development of international legal instruments shows the strengthening of the global commitment to the protection of vulnerable groups through various conventions, including *the Universal Declaration of Human Rights* (1948), *the Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), *the Convention on the Rights of the Child* (CRC), and *the Convention on the Rights of Persons with Disabilities* (CRPD). These instruments place the state as a *duty bearer* who are responsible for respecting, protecting, and fulfilling the rights of vulnerable groups without discrimination.²

These international commitments are then integrated into the global development agenda through *the Sustainable Development Goals* (SDGs), especially the principle of *Leaving No One Behind*, which emphasizes that development must reach all levels of society, especially groups that have been experiencing social exclusion. This principle shows a paradigm shift in development from a purely economic approach to a *human-centered approach*, where the protection of vulnerable groups is an important indicator of the country's success in realizing social justice and sustainable development.³

In the Indonesian context, the protection of vulnerable groups has acquired a strong constitutional foundation. The Preamble to the Constitution of the Republic of Indonesia in 1945 affirms the state's goal to protect the entire Indonesian nation and all Indonesian bloodshed and

¹ Martha C. Nussbaum. (2011). *Creating Capabilities: The Human Development Approach*. Harvard University Press.

² Mashood A. Baderin. (2003). *International Human Rights and Islamic Law*. Oxford University Press.

³ United Nations. (2015). *Transforming Our World: The 2030 Agenda for Sustainable Development*. United Nations

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realize social justice for all Indonesian people. This guarantee is emphasized in Article 28D paragraph (1), Article 28G, Article 28H, and Article 28I OF THE 1945 Constitution of the Republic of Indonesia which recognizes the right of everyone to legal protection, a sense of security, welfare, and freedom from discriminatory treatment. These constitutional norms are then elaborated through various laws and regulations, such as Law Number 39 of 1999 concerning Human Rights, Law Number 8 of 2016 concerning Persons with Disabilities, Law Number 12 of 2022 concerning the Crime of Sexual Violence, and various other regulations aimed at providing protection to vulnerable groups.

Although the regulatory framework has evolved progressively, various empirical indicators suggest that vulnerable groups still face serious challenges in obtaining effective protection. The annual report of the National Commission on Anti-Violence against Women (Komnas Perempuan) consistently shows a high rate of gender-based violence, both in the domestic, public, and digital realms. This phenomenon shows that the existence of regulations has not been fully followed by effective implementation in ensuring the protection of women as one of the vulnerable groups.⁴

The same problem can also be seen in child protection. Data from the Ministry of Women's Empowerment and Child Protection (Kemen PPPA) shows that cases of violence against children, sexual exploitation, bullying, and information technology-based violence are still increasing problems. This condition indicates that children face increasingly complex forms of vulnerability along with the development of digital technology and changes in patterns of social interaction.⁵

On the other hand, people with disabilities still face barriers to equal access to education, employment, health services, transportation, and the justice system. Data from the Central Statistics Agency (BPS) shows that the level of educational participation and employment opportunities of people with disabilities is still lower than the general public. Conditions This shows that legal protection has not been fully followed by affirmative policies that are able to eliminate the structural barriers faced by persons with disabilities.⁶

The phenomenon of vulnerability is also experienced by the poor, the elderly, migrant workers, indigenous peoples, and minority groups. They not only face economic limitations, but also face barriers to access to justice, public services, social protection, and participation in the decision-

⁴ Komisi Nasional Anti Kekerasan terhadap Perempuan. (2024). *Catatan Tahunan Kekerasan terhadap Perempuan Tahun 2024*. Jakarta: Komnas Perempuan.

⁵ Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia. (2024). *Profile of Women and Child Protection in Indonesia*. Jakarta: Ministry of PPPA.

⁶ Badan Pusat Statistik. (2023). *Indikator Kesejahteraan Penyandang Disabilitas Indonesia*. Jakarta: BPS.

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making process. Thus, vulnerability can no longer be understood solely as a result of individual conditions, but is also the result of social structures, public policies, and power relations that have not yet fully sided with groups in weak positions.

In the development of contemporary legal theory, the protection of vulnerable groups is no longer understood only as an effort to prevent the occurrence of rights violations (*negative obligation*), but also as an obligation of the state to create conditions that allow vulnerable groups to enjoy their rights effectively (*positive obligation*). This approach places the state as the main actor responsible for building an inclusive legal, institutional, and public policy system, so that vulnerable groups have equal opportunities to participate in social, economic, political, and cultural life.⁷

When viewed from the perspective of Islamic law, the principle of protection of vulnerable groups has actually been an integral part of the purpose of the sharia since the early days of Islam. The Qur'an consistently pays attention to vulnerable groups, such as orphans, the poor, women, travelers, and oppressed groups. This concern shows that Islamic sharia is not only oriented towards regulating man's relationship with Allah (*ḥabl min Allāh*), but also places the protection of man as part of the main mission of law-making. The values of justice (*al-'adl*), compassion (*al-rahmah*), equality (*al-musāwah*), and benefit (*al-maṣlaḥah*) become the ethical foundations that direct all provisions of Islamic law to be in favor of the protection of human beings, especially those in vulnerable conditions.⁸

Nevertheless, the dynamics of modern society present new forms of vulnerability that have not been fully responded to by the construction of Islamic law that is developing today. Trafficking in persons, digital exploitation, discrimination against persons with disabilities, cyber-based violence, and social exclusion due to global economic change show that a legal approach that relies solely on textual readings of classical sources is not adequate to address contemporary challenges. Therefore, it is necessary to develop a paradigm of Islamic law that is not only oriented towards compliance with the text, but also on achieving the goals of sharia through the protection of human dignity and the fulfillment of the basic rights of all citizens.

This urgency becomes even more important considering that Islamic law has a very rich conceptual tool to build a more humanistic and inclusive protection system, especially through the concepts of *karāmah al-insān* and *maqāṣid al-syarī'ah*. These two concepts not only have

⁷ Martha Fineman. (2017). *Vulnerability and the Human Condition*. Yale Journal of Law & Feminism.

⁸ Mohammad Hashim Kamali. (2019). *The Middle Path of Moderation in Islam: The Qur'anic Principle of Wasatiyyah*. Oxford University Press

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strong normative legitimacy in the Qur'an, Sunnah, and the treasures of jurisprudence, but also have high relevance in answering the challenge of protecting vulnerable groups in the contemporary era. Therefore, this research departs from the need for academics to reconstruct the paradigm of the protection of vulnerable groups in Islamic law to be more responsive to the development of society, in line with the universal values of human rights, and still rooted in the fundamental goal of sharia, which is to realize justice, benefit, and respect for human dignity.

2) Research methods

This study uses a *normative legal research method* with a prescriptive orientation. This approach was chosen because the research aims to examine the norms, principles, doctrines, and theories of Islamic law that are the basis for the protection of vulnerable groups, as well as formulate a model of legal reconstruction based on the principles of *karāmah al-insān* and *maqāṣid al-syarī'ah*. The focus of the research is not directed at testing people's behavior, but on the analysis of the construction of legal norms and the development of legal *reasoning* to produce legal protection formulations that are more responsive to vulnerable groups.⁹

a. Research Approach

This research uses three complementary approaches, namely *conceptual approach*, *philosophical approach*, and *statute approach*.

A conceptual approach is used to examine the basic concepts of *karāmah al-insān*, *maqāṣid al-syarī'ah*, human rights, substantive justice, and the protection of vulnerable groups as they develop in Islamic legal literature as well as modern legal theory. This approach aims to build a conceptual framework that is the basis for the reconstruction of the legal protection paradigm.¹⁰

A philosophical approach is used to analyze the fundamental values underlying the protection of vulnerable groups in Islamic law, in particular the principles of human dignity, justice (*al-'adl*), benefit (*al-maṣlaḥah*), equality (*al-musāwāh*), and compassion (*al-raḥmah*). This approach allows research to place legal norms not only as formal rules, but also as instruments for realizing the ethical goals of sharia.¹¹

⁹ Peter Mahmud Marzuki. (2021). *Penelitian Hukum* (Edisi Revisi). Jakarta: Kencana, hlm. 55–63.

¹⁰ Johnny Ibrahim. (2023). *Normative Law Research Theory and Methodology*. Malang: Bayumedia Publishing, pp. 298–307.

¹¹ Terry Hutchinson. (2018). "The Doctrinal Method: Incorporating Interdisciplinary Methods in Reforming the Law." *Erasmus Law Review*, 11(3), 130–138.

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Meanwhile, the legislative approach is used to examine various legal instruments related to the protection of vulnerable groups, both at the national and international levels. The analysis was carried out on constitutional provisions, national laws and regulations, international human rights instruments, and Islamic law sources that have relevance to the protection of vulnerable groups.

b. Research Specifications

The specification of this research is prescriptive-analytical *research*. The research not only describes the legal norms that govern the protection of vulnerable groups, but also evaluates the adequacy of the evolving legal paradigm and offers legal reconstruction based on the principles of *karāmah al-insān* and *maqāṣid al-syarī'ah*.

The prescriptive character of the research is reflected in the effort to formulate a legal protection model that is able to respond to various forms of contemporary vulnerability through a more humanistic, inclusive, and oriented approach to the fulfillment of basic rights. Thus, the results of the research are expected not only to enrich theoretical studies, but also to provide normative recommendations for the formation of laws and public policies.¹²

c. Types and sources of law

This study uses secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials.

Primary legal materials include the Qur'an, the Sunnah of the Prophet Muhammad SAW, the Constitution of the Republic of Indonesia in 1945, Law Number 39 of 1999 concerning Human Rights, Law Number 8 of 2016 concerning Persons with Disabilities, Law Number 12 of 2022 concerning the Crime of Sexual Violence, as well as various international instruments, such as *the Universal Declaration of Human Rights* (1948), *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), *Convention on the Rights of the Child* (CRC), and *Convention on the Rights of Persons with Disabilities* (CRPD).

Secondary legal materials are in the form of relevant scientific literature, including books, articles from reputable national and international journals, research results, dissertations, and works by scholars and scholars of Islamic law on *karāmah al-insān*, *maqāṣid al-syarī'ah*, human rights, and the protection of vulnerable groups.

¹² Soerjono Soekanto, & Sri Mamudji. (2019). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Rajawali Pers, hlm. 13–16.

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Tertiary legal materials consist of legal dictionaries, encyclopedias of Islamic law, Arabic dictionaries, indexes of laws and regulations, and various other reference sources that support the interpretation of primary and secondary legal materials.

d. Methods of collecting legal materials

The collection of legal materials is carried out through *library research*. All legal materials are inventoried, classified, and selected based on their relevance to the research focus. Literature searches are carried out systematically on classical books on fiqh, contemporary works on *maqāṣid al-syarī'ah* and *human dignity*, reputable scientific journals, and official documents from national and international institutions.

In order to maintain academic quality, this research prioritizes the use of primary references and scholarly articles published in the last ten years, without leaving aside classical works that have authority in the development of Islamic legal theory.¹³

e. Method of analysis of legal materials

The analysis of legal materials is carried out qualitatively through several stages.

First, a normative analysis of various provisions of Islamic law, laws and regulations, and human rights instruments related to the protection of vulnerable groups is carried out.

Second, a conceptual analysis was carried out to identify the relationship between the concept of *karāmah al-insān* and *maqāṣid al-syarī'ah* as a philosophical and normative foundation for the protection of vulnerable groups.

Third, content **analysis** of classical and contemporary literature is used to find patterns of thought, doctrinal development, and the relevance of Islamic legal concepts to the issue of protection of vulnerable groups in modern society.

Fourth, the results of the analysis are synthesized through legal reasoning methods and prescriptive argumentation to formulate a reconstruction model for the protection of vulnerable groups based on *karāmah al-insān* and *maqāṣid al-syarī'ah*. The resulting model is directed to strengthen the protection of fundamental rights, realize substantive justice, and support the development of Islamic law that is more adaptive to the dynamics of contemporary society.¹⁴

¹³ Jasser Auda. (2008). *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: International Institute of Islamic Thought.

¹⁴ Neil MacCormick. (2005). *Rhetoric and the Rule of Law: A Theory of Legal Reasoning*. Oxford University Press.

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3) Results and Discussion

3.1. The normative basis for the protection of vulnerable groups in the perspective of al-insan

One of the main foundations of Islamic law in building a system of protection for vulnerable groups is the concept of *karāmah al-insān* (human dignity). This concept is a philosophical principle that places humans as beings who have inherent dignity because of the will of Allah SWT, not because of social status, wealth, power, race, gender, or other worldly attributes. Thus, the protection of human beings in Islam is rooted in the recognition that every individual has an intrinsic value that must be respected and protected. This principle is also the ethical basis for the formation of Islamic legal norms that are oriented towards justice (*al-'adl*), benefit (*al-maṣlaḥah*), and respect for basic human rights.¹⁵

The normative basis of the concept of *karāmah al-insān* is explicitly stated in the Qur'an, especially in QS. Al-Isrā' [17]: 70:

"And indeed, We have glorified the descendants of Adam, We have carried them on land and in the sea, We have given them sustenance from the good, and We have made them above many creatures whom We have created with perfect advantage." (QS. Al-Isrā' [17]: 70).

This verse is one of the most fundamental postulates regarding Islam's recognition of human dignity. The phrase "laqad karramnā banī Ādam" shows that the glory of man was given directly by God to all of Adam's descendants regardless of religious identity, ethnicity, skin color, gender, or social status. The use of the term *banī Ādam* shows that the object of glory is the whole of humanity, so the concept of *karāmah* in Islam is universal and not limited to the Muslim community alone.¹⁶

In the classical commentary, Ibn Kathir explained that the form of human glory includes the perfection of creation, the ability to think, the ability to speak, the freedom of choice, and the potential to carry out the mandate as a caliph on earth. According to him, this glory is the basis for why humans acquire moral and legal responsibilities that other creatures do not have.¹⁷ This view shows that human dignity is not only understood as a biological advantage, but also as the basis for the birth of rights and obligations in social life.

¹⁵ Mohammad Hashim Kamali. (2022). *Justice and Human Dignity in Islam*. Kuala Lumpur: Islamic Book Trust, hlm. 41–58.

¹⁶ Muhammad al-Tahir Ibn Ashur. (2006). *Treatise on Maqasid al-Shariah*. Herndon, VA: International Institute of Islamic Thought, hlm. 91–96

¹⁷ Ibn Kathir. (1999). *Tafsīr al-Qur'ān al-'Aẓīm* (Juz V). Riyadh: Dār Ṭayyibah, pp. 94–96.

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A similar view is put forward by Al-Qurtubi who interprets QS. Al-Isrā' [17]: 70 as a recognition of the honor of man that must be maintained in all aspects of life. According to him, this glory demands a ban on all forms of actions that degrade human beings, such as arbitrary slavery, torture, humiliation, deprivation of the right to life, and discriminatory treatment. Therefore, respect for human dignity is an inherent goal in every provision of sharia.¹⁸

Meanwhile, Fakhr al-Din al-Razi added that the glory of man is also reflected in the intellectual ability (*al-'aql*) that allows man to distinguish between right and wrong. Reason is not only a biological gift, but also a moral instrument on which legal accountability (*taklīf*) is based. Thus, the protection of human beings does not only include the physical aspect, but also includes the protection of freedom of thought, the acquisition of knowledge, and the development of their potential.¹⁹

The interpretation of the mufasir shows that the concept of *karāmah al-insān* has a wide dimension. Human dignity not only means respect for life, but also includes the protection of *honour*, liberty, physical and psychological integrity, the right to education, the right to decent work, and the right to participate in social life. In other words, the concept of *karāmah* is the ethical foundation for the birth of various basic rights that in the modern era are known as human rights.

In the development of contemporary Islamic legal thought, the concept of *karāmah al-insān* has acquired a more progressive interpretation. Mohammad Hashim Kamali emphasized that human dignity is a universal principle that is the basis of all sharia goals. According to him, sharia not only aims to regulate human relationships with God, but also to build a social system that guarantees respect for the dignity of each individual. Therefore, any form of legal policy or practice that results in discrimination, marginalization, or dehumanization is contrary to the basic spirit of Islamic law.²⁰

This view has strong relevance to the development of modern human rights theory. In international law, the concept of *human dignity* is positioned as the main source of the birth of all fundamental rights as reflected in the Preamble to the *Universal Declaration of Human Rights* (1948). Although they evolved from different intellectual traditions, both Islamic law and modern human rights law place human dignity as the basis for the legitimacy of legal protection. The difference lies in the source of legitimacy: in modern human rights law, human dignity is

¹⁸ Al-Qurtubi. (2006). *Al-Jāmi' li Ahkām al-Qur'ān* (Juz X). Beirut: Mu'assasah al-Risālah, pp. 284–287.

¹⁹ Fakhr al-Din al-Razi. (1981). *Mafātīḥ al-Ghayb* (Juz XXI). Beirut: Dār al-Fikr, hlm. 53–56.

²⁰ Kamali, M. H. (2022). *Justice and Human Dignity in Islam*. Kuala Lumpur: Islamic Book Trust, hlm. 52–67.

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understood as a universal value inherent in every individual, while in Islamic law the dignity comes from the will and creation of Allah SWT. However, the two paradigms have a common point in rejecting all forms of treatment that degrade human values.²¹

When associated with the protection of vulnerable groups, the concept of *karāmah al-insān* has very important implications. Vulnerable groups should not be positioned as *objects of charity*, but should be seen as subjects of law who have the same dignity and rights as other members of society. The vulnerability experienced by women, children, persons with disabilities, the elderly, the poor, and minority groups is not a reason to reduce their rights, but rather a basis for states and societies to provide stronger protection through affirmative policies and effective legal mechanisms.

This analysis shows that the concept of *karāmah al-insān* is not merely a theological doctrine, but has a constitutional function in the construction of Islamic law. This concept is the basis for legitimacy for the formation of norms, policies, and institutions that guarantee respect for human dignity. Thus, the protection of vulnerable groups in Islamic law should be built on a universal recognition of human dignity, not solely on the basis of social considerations or compassion.

3.2. Reconstruction of the protection of vulnerable groups in the perspective of karamah al-insan and maqasid al-syariah

1) Reconstruction of the paradigm of protection of vulnerable groups based on Karamah al-insan

The main weakness of the protection of vulnerable groups is not solely caused by regulatory limitations, but by a legal paradigm that has not fully placed human dignity as the main orientation of law formation, interpretation, and implementation. Therefore, the reconstruction offered in this study departs from the concept of *karāmah al-insān* as a philosophical foundation that is able to provide a normative justification for the protection of vulnerable groups in Islamic law. This paradigm views that every human being has inherent glory since creation by Allah SWT so that the protection of vulnerable groups is a direct consequence of respect for that dignity, not merely a social action or administrative policy.

The concept of *karāmah al-insān* has a strong normative basis in the Qur'an, especially QS. Al-Isrā' verse 70, which affirms that Allah has glorified all of Adam's descendants regardless of gender, age, physical condition, economic status, or social background. Thus, human dignity is

²¹ United Nations. (1948). *Universal Declaration of Human Rights*; Baderin, M. A. (2003). *International Human Rights and Islamic Law*. Oxford University Press, hlm. 33–47.

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inherent, universal, and inalienable. This perspective provides a philosophical foundation that any legal policy concerning vulnerable groups must be directed at safeguarding, respecting, and restoring human dignity.

2. Karamah al-insan as a philosophical foundation for legal protection

This study found that the concept of *karāmah al-insān* has been discussed more in the study of Islamic faith, interpretation, and ethics than in the theory of legal protection. In fact, if examined comprehensively, the concept has very broad juridical implications for the formation of the Islamic legal system.

Human dignity in the Islamic perspective is not an award given by the state or society, but a gift from Allah SWT that is inherent in every human being. Therefore, basic human rights do not depend on social status, economic ability, physical condition, or other identities. The protection of vulnerable groups is a legal obligation because every violation of human dignity is essentially a violation of the purpose of sharia.

In this context, *karāmah al-insān* serves as a meta-principle, which is the basic principle that underlies all the principles of Islamic law. All the purposes of the Shari'ah (*maqāṣid al-syarī'ah*), whether the protection of religion, soul, intellect, descent, and property, are essentially directed to maintain the glory of man. Therefore, the reconstruction of the paradigm of the protection of vulnerable groups must make *karāmah al-insān* a starting point in formulating legal policies.

3. Paradigm shift from Charity-based protection menuju *Dignity and Rights-Based Protection*

One of the important findings of this study is the need to change the paradigm from *charity-based protection* to dignity and *rights-based protection*.

The *charity-based* approach views vulnerable groups as *beneficiaries* of social policies. The state, religious institutions, or communities provide assistance as a form of moral concern. Despite having humanitarian value, these approaches are often temporary, dependent on government policies or the generosity of others, and do not always guarantee the sustainable fulfillment of the rights of vulnerable groups.

On the contrary, the paradigm of *dignity and rights-based protection* places vulnerable groups as rights holders. In this paradigm, their rights are not born from compassion, but from the recognition of the inherent human dignity from birth. The state, society, and religious institutions are positioned as duty bearers who are responsible for respecting, protecting, and fulfilling these rights.

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From the perspective of Islamic law, this paradigm change does not contradict the principles of sharia. Rather, it is an actualization of the purpose of the Shari'ah to realize justice (*al-'adl*), benefit (*al-maṣlaḥah*), and respect for human dignity.

4) Reconstruction of the Position of Vulnerable Groups as Legal Subjects

The study also found that the protection of vulnerable groups would be more effective if they were positioned as legal subjects, rather than just objects of protection.

In the old paradigm, vulnerable groups were seen as groups that needed special treatment because of their weaknesses or incapacities. This perspective has the potential to give birth to a paternalistic relationship, where the state becomes the main actor while the vulnerable group is only the recipient of the policy.

The paradigm reconstructed in this study places vulnerable groups as legal subjects who have the capacity to participate in the policy-making process, gain access to justice, raise objections, and demand the fulfillment of their rights.

This approach is in line with the development of international human rights law and at the same time consistent with the principles of sharia which recognize individual responsibility (*taklīf*) according to individual ability. Thus, legal protection is not only protective, but also participatory and *empowerment-based protection*.

5) Reconstructing the Role of the State in the Perspective of Islamic Law

The results of the study show that the state has a central position in realizing the protection of vulnerable groups. In the concept of *shari'iyyah siyāsah*, the state not only functions as an enforcer of the law, but also as the person in charge of the welfare of the community (*ri'āyah al-maṣlaḥah*).

Based on the *paradigm of karāmah al-insān*, the state's obligation does not stop at the formation of regulations. The state is also obliged to ensure that every public policy, administrative service, judicial system, education, health, and social protection are carried out with regard to the needs of vulnerable groups.

This research proposes that state obligations in Islamic law can be classified into three dimensions, namely:

- a. Respect, that is, not making policies that reduce or degrade the dignity of vulnerable groups.

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b. Protect, which is to prevent discriminatory acts and provide protection against all forms of violence, exploitation, and marginalization.

c. Fulfil, which is to provide affirmative policies, access to public services, legal aid, education, health, and adequate social protection.

These three dimensions show that the concept of *karāmah al-insān* has a high compatibility with the development of the theory of state obligations in modern human rights law.

6) A New Paradigm for the Protection of Vulnerable Groups in Islamic Law

Based on the synthesis of all the research results, the new paradigm of protection of vulnerable groups in Islamic law is built on four main characteristics.

First, it is oriented towards respect for human dignity as the main goal of the law.

Second, integrating *karāmah al-insān* with *maqāṣid al-syarī'ah* so that legal protection has a philosophical basis as well as a strong normative basis.

Third, placing vulnerable groups as legal subjects who have inherent rights and space for participation in legal processes and public policies.

Fourth, emphasizing that the state, society, family, and religious institutions are stakeholders who must work synergistically in realizing inclusive, fair, and sustainable protection.

This paradigm is not only relevant to the formation of contemporary Islamic law, but also provides a conceptual basis for harmonization between the sharia, the Indonesian constitution, and human rights principles.

3.2. Reconstruction of *Maqāṣid al-Syarī'ah* as an Instrument for the Protection of Vulnerable Groups

The results of the analysis in the previous subchapter show that the concept of *karāmah al-insān* provides a philosophical basis for the protection of vulnerable groups. However, a legal paradigm will not be effective if it is not translated into normative instruments that can be operationalized in law formation, law enforcement, and public policy. In the context of Islamic law, the instrument is *maqāṣid al-syarī'ah*. Therefore, the reconstruction of the protection of vulnerable groups does not stop at strengthening the concept of human dignity, but also requires a reinterpretation of the goals of the sharia in order to be more responsive to contemporary forms of vulnerability.

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This research departs from the view that the five main objectives of the sharia (*al-ḍarūriyyāt al-khams*) are not static concepts. On the other hand, *maqāṣid al-syarī'ah* is a value system that develops in accordance with the dynamics of society as long as it remains rooted in the Qur'an, Sunnah, and the principles of fiqh. Thus, the reinterpretation of *maqāṣid* does not mean changing the purpose of sharia, but rather expanding the scope for its implementation in order to be able to answer the challenge of protecting vulnerable groups in the modern legal state.

a) Reconstruction of Ḥifẓ al-Dīn: Protection of Freedom of Religion and Minority Groups

In the classical perspective, *ḥifẓ al-dīn* is understood as the protection of religious existence through the maintenance of faith, the implementation of worship, and the protection of religious institutions. This approach has strong relevance in the context of classical society, but it has not fully answered the issue of protection for groups that are vulnerable to discrimination on the basis of religion or belief

This research reconstructs *ḥifẓ al-dīn* as a protection of religious freedom, freedom of worship, and the right of every individual to receive equal treatment without discrimination based on religion. This reconstruction does not change the substance of the goals of the Shari'a, but expands its implementation to be in harmony with the principles of *karāmah al-insān*.

In the Indonesian context, this reinterpretation strengthens the state's obligation to guarantee freedom of religion as stipulated in the constitution, while ensuring that religious minorities do not experience violence, intimidation, or discrimination in obtaining public services and access to justice.

b) Reconstruction of Ḥifẓ al-Nafs: Protection of the Right to Life and Security of Vulnerable Groups

In the classical perspective, *ḥifẓ al-dīn* is understood as the protection of religious existence through the maintenance of faith, the implementation of worship, and the protection of religious institutions. This approach has strong relevance in the context of classical society, but it does not fully address the issue of protection for groups that are vulnerable to discrimination on the basis of religion or belief.

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In the Indonesian context, this reinterpretation strengthens the state's obligation to guarantee freedom of religion as stipulated in the constitution, while ensuring that religious minorities do not experience violence, intimidation, or discrimination in obtaining public services and access to justice.

c) Reconstruction of *Ḥifẓ al-'Aql*: Protection of the Right to Education and Information

In classical theory, *ḥifẓ al-'aql* is primarily directed at the prohibition of everything that corrupts the mind, such as liquor and intoxicating substances.

This research expands the concept to the protection of the right to education, intellectual capacity development, access to information, digital literacy, and protection from information manipulation. Vulnerable groups often experience limited access to quality education, information technology, and inclusive education services. Therefore, the reconstruction of *ḥifẓ al-'aql* places education as the main instrument of empowerment so that vulnerable groups have the ability to fight for their rights independently. This approach shows that legal protection is not only repressive, but also preventive through human capacity building.

d) Reconstruction of *Ḥifẓ al-Nasl*: Protection of Families, Children, and Women

In classical theory, *ḥifẓ al-'aql* is primarily directed at the prohibition of everything that corrupts the mind, such as liquor and intoxicating substances.

This research expands the concept to the protection of the right to education, intellectual capacity development, access to information, digital literacy, and protection from information manipulation. Vulnerable groups often experience limited access to quality education, information technology, and inclusive education services. Therefore, the reconstruction of *ḥifẓ al-'aql* places education as the main instrument of empowerment so that vulnerable groups have the ability to fight for their rights independently.

This approach shows that legal protection is not only repressive, but also preventive through human capacity building.

e) Reconstruction of *Ḥifẓ al-Māl*: Protection of the Economic Rights of Vulnerable Groups

In the classical perspective, *ḥifẓ al-māl* deals with the protection of property ownership from theft, fraud, and forfeiture.

This study expands the meaning to protection against:

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- 1) the right to obtain decent work;
- 2) access to economic resources;
- 3) protection of migrant workers;
- 4) protection of micro business actors;
- 5) protection of the poor;
- 6) access to economic legal assistance;
- 7) and social security for vulnerable groups.

This reconstruction shows that economic justice is an integral part of the goals of the sharia. Poverty that causes a person to lose access to basic necessities is also a form of threat to *karāmah al-insān*.

f) The Expansion of Maqāṣid towards the Protection of Human Rights

One of the important findings of this study is that the development of *maqāṣid al-syarī'ah* does not stop at five main objectives (*al-ḍarūriyyāt al-khams*). Following the development carried out by Muhammad al-Tahir Ibn Ashur, Mohammad Hashim Kamali, and Jasser Auda, this study confirms that *maqāṣid* should also include:

- 1) protection of human dignity;
- 2) social justice;
- 3) freedom;
- 4) equations;
- 5) non-diskriminase;
- 6) participation;
- 7) access to justice;
- 8) and human development.

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This expansion does not change the substance of the sharia, but rather emphasizes that the purpose of the sharia is always oriented towards the benefit of the times in accordance with the development of the times.

3.3. Implications of Reconstruction of the Protection of Vulnerable Groups on the Development of Islamic Law and the National Legal System

1) Implications of Reconstruction on the Development of Islamic Legal Theory

The results of the study show that the reconstruction of the protection of vulnerable groups based on *karāmah al-insān* and *maqāṣid al-syarī'ah* has significant implications for the development of contemporary Islamic legal theory. So far, Islamic legal theory has been developed through a normative-doctrinal approach oriented to the interpretation of texts (*naṣṣ*) and *the methodology of legal istinbāt*. This approach has provided a strong methodological foundation in the formation of Islamic law, but it has not been fully able to respond to the complexity of modern social problems, especially those related to the protection of vulnerable groups. Therefore, this study offers a paradigm shift from legal theory oriented to legal theory oriented to human *dignity-oriented Islamic legal theory*. The paradigm shift is not intended to reduce the authority of Islamic law sources, but rather to expand the space for sharia implementation to be more responsive to the dynamics of society. In this context, *karāmah al-insān* is placed as a *foundational principle* that animates the entire process of formation, interpretation, and application of Islamic law. Thus, the validity of a legal norm is not only measured by its conformity with normative postulates, but also by its ability to maintain human dignity and realize benefits.

2) Implications of Reconstruction on the Formation of Laws and Regulations in Indonesia

The results of the study show that the reconstruction of the protection of vulnerable groups based on *karāmah al-insān* and *maqāṣid al-syarī'ah* not only contributes to the development of Islamic legal theory, but also has significant implications for the formation of laws and regulations in Indonesia. As a country of law based on the values of Pancasila and upholding respect for human rights, Indonesia has built various legal instruments that regulate the protection of vulnerable groups. However, the regulation is still sectoral and does not have an integrated paradigm in placing human dignity as the main orientation of law formation. Therefore, the results of this study offer a conceptual approach that can strengthen the political direction of national law through the integration of the values of *karāmah al-insān* and *maqāṣid al-syarī'ah* in the legislative process.

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This research departs from the assumption that the formation of laws and regulations is not only aimed at creating *legal certainty*, but must also realize justice, *utility*, and respect for human *dignity*. In this context, Islamic law through the concept of *maqāṣid al-syarī'ah* provides a normative framework that can enrich the national legislation system without changing Indonesia's character as a pluralistic legal country.

3) Implications of Reconstruction on Law Enforcement and Access to Justice for Vulnerable Groups

The results of the study show that the success of the reconstruction of the protection of vulnerable groups is not only determined by the quality of legal norms, but also by the effectiveness of law enforcement and the ability of the justice system to ensure access *to justice*. An analysis of law enforcement practices in Indonesia shows that vulnerable groups still face various obstacles, such as limited access to legal aid, complex judicial procedures, discrimination in public services, and low sensitivity of law enforcement officials to the special needs of vulnerable groups. This condition results in a gap between normative protection (*law in the books*) and factual protection (*law in action*). From the perspective of Islamic law, law enforcement is not just a process of applying norms, but is an instrument for realizing *al-'adl* (justice), *al-maṣlaḥah* (benefit), and *karāmah al-insān* (human dignity). Therefore, this study offers a reconstruction of law enforcement that is not only oriented towards legal certainty, but also makes the protection of vulnerable groups a key indicator of the success of the justice system.

4) Implications of Reconstruction on Public Policy and Social Protection Based on *Karāmah al-Insān* and *Maqāṣid al-Syarī'ah*

The results of the study show that the reconstruction of the protection of vulnerable groups cannot stop at the reform of legal norms and the judicial system, but must be realized in public policies that favor vulnerable groups. From the perspective of the *welfare state*, public policy is the main instrument of the state to fulfill its constitutional obligations to *respect*, *protect*, and *fulfill the rights* of citizens. Therefore, the paradigms of *karāmah al-insān* and *maqāṣid al-syarī'ah* need to be integrated into the entire process of drafting, implementing, and evaluating public policies so that the protection of vulnerable groups is not sporadic, but becomes the main orientation of governance. This study found that various public policies in Indonesia have regulated the protection of women, children, persons with disabilities, the elderly, the poor, and other vulnerable groups. However, its implementation still faces a number of obstacles, including regulatory fragmentation, weak inter-agency coordination, budget limitations, and the absence of indicators that can measure whether a policy truly maintains human dignity. Based on these

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findings, this study offers a public policy model based on *karāmah al-insān* as an ethical as well as operational framework in the administration of government. In the modern public administration paradigm, policy is often measured through effectiveness, efficiency, and accountability. This study argues that these indicators are inadequate if they are not accompanied by measures regarding respect for human dignity. The concept of *karāmah al-insān* provides the basis that every policy must be positioned as an instrument to glorify human beings (*human-centered public policy*), not just regulating people's behavior. Therefore, the formulation of public policy must be based on the following principles.

- a) Non-discrimination, which is to ensure that every citizen receives protection regardless of religion, gender, age, physical condition, social status, or economic background.
- b) Inclusivity, which is ensuring that vulnerable groups are the main subjects in policy planning and implementation.
- c) Meaningful participation means providing space for vulnerable groups to be involved in the decision-making process.
- d) Substantive justice, which is to provide proportionate treatment according to the special needs of each vulnerable group.

Thus, the orientation of public policy shifted from an administrative approach to a respect-based approach to human dignity.

4. Conclusion

This study found that the concept of *karāmah al-insān* is the most fundamental philosophical foundation in the protection of vulnerable groups according to Islamic law. Human dignity is a right inherent in every individual as a gift from Allah SWT, so respect for this dignity does not depend on religion, gender, age, physical condition, economic status, or social background. Therefore, the protection of vulnerable groups is not just a form of mercy (*charity*), but a legal *obligation* that comes from the principles of sharia. This concept strengthens the orientation of Islamic law as a system that upholds the values of justice, equality, and respect for humanity. This research shows that *maqāsid al-Syarī'ah* needs to be reconstructed from its traditional function as a method of *legal istinbāt* towards a paradigm of protection of basic human rights. The five main objectives of the Shari'ah (*ḥifẓ al-dīn*, *ḥifẓ al-nafs*, *ḥifẓ al-'aql*, *ḥifẓ al-nasl*, and *ḥifẓ al-māl*) have been reinterpreted to address various forms of contemporary vulnerability, including the protection of women, children, persons with disabilities, the elderly, the poor, victims of violence, and other marginalized groups. The reconstruction proves that *maqāsid al-*

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syarī'ah is dynamic and has the capacity to become a legal paradigm that is responsive to the development of society without losing its normative legitimacy. This research resulted in a conceptual model that integrates *karāmah al-insān* as a philosophical foundation and *maqāṣid al-syarī'ah* as a normative framework in the protection of vulnerable groups. The model not only places the state as the main actor, but also integrates the roles of judicial institutions, legal aid agencies, religious institutions, and civil society in one collaborative protection system. Thus, the protection of vulnerable groups is understood as a shared responsibility that is realized through the formation of laws, law enforcement, the implementation of public policies, and community empowerment. This study confirms that the reconstruction of the protection of vulnerable groups has broad implications for the development of Islamic legal theory, the formation of laws and regulations, law enforcement practices, and public policy in Indonesia. The integration of *karāmah al-insān* and *maqāṣid al-syarī'ah* produces a legal paradigm that is more compatible with the principles of the state of law Pancasila, the Indonesian constitution, and human rights principles, thereby strengthening the position of Islamic law as a source of value in the development of national law.

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