



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Protection of Women's and Children's Rights in a Comparative Review of Islamic Law, National Law, and International Law

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Abstract. *The protection of women's and children's rights is a fundamental issue within various legal systems, including Islamic Law, National Law, and International Law. This study aims to analyze and compare the concept of protecting women's and children's rights across these three legal systems in order to identify their similarities and differences. The research method used is normative juridical research with statutory, conceptual, and comparative approaches. The findings indicate that Islamic Law regards women and children as legal subjects whose fundamental rights are protected through principles of justice, public interest (maslahah), and family responsibility. National Law in Indonesia provides protection through various regulations such as the Child Protection Act and the Domestic Violence Act. Meanwhile, International Law, through instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), emphasizes universal protection based on human rights principles. In conclusion, all three legal systems share the same objective of ensuring the protection and fulfillment of women's and children's rights, although they differ in approach, legal sources, and implementation.*

Keywords: *Children; Islamic Law; International Law; Legal Protection; National Law; Women.*

1. Introduction

Efforts to protect women and children are a crucial indicator and factor in a just legal system. Women and children are often highly vulnerable to threats of violence, discrimination, and exploitative behavior. To prevent and anticipate threats to women and children, the law serves as an instrument designed to provide fair and dignified protection for women and

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*
children.

In global studies, the seriousness of protecting women and children in the international arena is getting stronger with the birth of several international instruments including the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

In the Indonesian context, the state has paid attention to the protection of women and children, which is clearly stated in national regulations such as Law of the Republic of Indonesia Number 35 of 2014 concerning Child Protection and Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence.

The international or global or national or Indonesian approach is not yet sufficient to give full attention to the protection of children and women, but in Islamic law studies it has been long or earlier to provide protection for women and children. Islam has placed the protection of women and children as an integral part of the teachings of Islamic law which emphasizes the principles of justice or al'adl, as well as fulfilling aspects of benefit or maslahah as well as regulations for the elimination of harm or dar'al-mafasid.

The research on the Protection of Women's and Children's Rights in a Comparative Review of Islamic Law, National Law, and International Law presents two research questions, namely, first, what is the role of Islamic law, national law, and international law in the protection of women and children?, second, what is the relationship between Islamic law, national law, and international law in the protection of women and children? The objectives are to determine the role of Islamic law, national law, and international law in the protection of women and children, and second, to determine the relationship between Islamic law, national law, and international law in the protection of women and children.

In the research that chose the title Protection of Women's and Children's Rights in a Comparative Review of Islamic Law, National Law, and International Law has its own characteristics, caused by the research search of the last 5 (five) years, namely the first research in 2023 with the title protection of children's rights in Islamic family law and national law by Sugeng Amiruddin, Abdurrahman Hakim and Muhammad Thoriq whose conclusion did not discuss the aspect of international law. The second research entitled Ijbar Nikah in Child Marriage: Analysis of Islamic Law and Protection of Women's Rights, by

M. Hafi (2024) also failed to address international law. The third study by Muhammad Arya Syandika et al., conducted in 2025, entitled "Protection of Children and Women from the

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Perspective of Islamic Law and Indonesian Positive Law," also failed to address or incorporate international law.

Of the various previous studies listed above, most of the studies only compare Islamic law with positive law applicable in Indonesia in certain cases only, while this study entitled Protection of Women's and Children's Rights in a Comparative Review of Islamic Law, National Law, and International Law will have novelty because it is specifically conducted to analyze the protection of women and children through a comparative approach of three legal systems at once, namely Islamic law, Indonesian national law, and international law, thus producing a more comprehensive study regarding the similarities and differences as well as the effectiveness of the protection of women's and children's rights in the three legal systems.

2. Research Methods

The research, entitled Protection of Women's and Children's Rights in a Comparative Review of Islamic Law, National Law, and International Law, utilizes normative law with various legal approaches. The approaches used are the statute approach, the conceptual approach, and the comparative approach. Legal research is a process of acting and thinking methodologically and systematically by observing the legal phenomena of a legal event that occurs and is reconstructed to reveal truths that are useful in life.

The statutory approach or statute approach describes an approach that begins with a constitution from the aspect of legal principles and legal concepts and legislation or its organic rules.² So that the characteristics of the statutory regulatory approach are more dominant compared to other approaches.

The conceptual approach is one of the methods used in normative legal research in studying and analyzing concepts and principles as well as doctrines and theories from the views of legal experts related to the object of the legal problem to be studied.³ The conceptual approach is very identical to legal research that uses normative research.

A comparative approach is a legal approach that uses a comparison of legal systems and regulations, legal institutions, legal concepts and decisions of judicial institutions from several countries. The purpose of the comparative approach is to find similarities, differences, advantages and disadvantages of the application of legal concepts. ⁴. Researchers are expected to find a different and comprehensive perspective on the development of international law, especially since this research uses international legal issues by comparing Islamic law and national law in force in Indonesia.

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

The data used are secondary data in the form of laws and regulations, Islamic legal literature, and international legal documents. The analysis was conducted qualitatively, emphasizing normative and comparative interpretations, thus prioritizing research ethics as a moral instrument in research.

Research is a research custom that aims to provide a guarantee that someone will not be harmed by the applicable legal rules⁵, which will then give rise to research on the level of legal synchronization between Islamic law, national law, and international law which are the objects of research, namely to what extent the existing written positive laws are in sync or in harmony with each other.

3. Results and Discussion

3.1. Protection of Women and Children in Islamic Law

Islamic law places great emphasis on the protection of women and children. In the Qur'an, the principle of this protection is emphasized through the prohibition of injustice and the command to act justly, because in Islamic teachings, justice plays a very important role in enforcing and implementing justice. In the Qur'an, Allah SWT says, "And do not kill your children for fear of poverty." (QS. Al-Isra: 31).⁷ In this verse, humans are warned to protect children, because it is part of justice. In addition, the protection of women is also placed in an important position in Islam, which places women in an honorable position. The Prophet Muhammad (peace be upon him) said, "The best of you are those who are best to their families." (HR. Tirmidhi).

In Islamic jurisprudence, child protection encompasses the right to life, the right to lineage, the right to education, and the right to livelihood. Meanwhile, women are entitled to a dowry, inheritance rights, and protection from violence. Therefore, Islam has long regulated basic rights, including the protection of women and children, as a form of protection within Islam. Therefore, Islam has comprehensively and comprehensively regulated these rights, reflecting the comprehensiveness of Islam, which not only regulates matters of the afterlife but also regulates aspects of worldly life, including the dimension of justice in the protection of women and children.

The concept of *maqashid al-syariah* also emphasizes that the protection of the soul (*hifz al-nafs*) and offspring (*hifz al-nasl*) is the main objective of Islamic law.⁸ In this context, the protection of the soul for women and children thus conveys the message that not only the physical is protected but also the soul as a core protection for every human being. In addition,

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

human offspring are also protected in language, namely children, protected in terms of growth and development of their lives to play, interact with their peers or pursue education, marry and then have a household, because when children grow up, then getting married is very important in maintaining offspring and the survival of the next generation. Marriage of children who have matured by understanding the legal status of a marriage, namely the proposal, the consent of the prospective bride and groom and other marriage requirements⁹ Children are truly pillars of Islam who are expected to develop da'wah and carry out sharia in religion, so that the important position of children in Islam is so protected, that it becomes the main goal of both protecting children and women who produce offspring.

Islam pays great attention to the protection of children and women as part of the principle of respect for human dignity. In Islam, women are considered to have a noble position and have equal rights in obtaining protection, education, health, security and guarantees of justice. In the researcher's research in the Qur'an, protection for women and children is found in Surah Al-Isra Verse 31, also in Surah An-Nahl Verse 97, Surah Al-Hujurat Verse 13, and Surah An-Nisa Verse 19. so that women are protected from acts and behavior of violence, discrimination, oppression, and treatment that degrades the dignity of women, in addition to the protection of women, Islam regulates aspects of women's rights in marriage, inheritance, ownership of property, and to receive good treatment from the family.

Child protection in Islam addresses children as a trust that must be protected, their rights fulfilled, and their love given. Child protection includes the right to life, education, proper care, health, and protection from violence and exploitation. Islam prohibits the killing or neglect of children, as affirmed in Surah Al-Isra': 31 and Surah At-Takwir: 8–9, which condemn the practice of infanticide during the pre-Islamic era.

From the perspective of *maqāṣid al-syarī'ah* or the objectives of Islamic law), the protection of women and children is part of efforts to safeguard the soul or *ḥifẓ al-naḥs*, offspring or *ḥifẓ al-naṣl*, honor or *ḥifẓ al-'ird*), as well as the benefit of society. So that Islam not only provides normative rules, but also encourages the formation of a family and community environment that is safe, fair and full of love for women and children.

3.2. Protection of Women and Children in Indonesian National Law

Indonesia as a country of law as regulated in the Constitution of the Unitary State of the Republic of Indonesia Article 1 paragraph (3). In the context of the protection of women, the state constitution has regulated the protection of women and children in various legal instruments, including the Republic of Indonesia Law Number 35 of 2014 concerning Child

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Protection which guarantees the right to life, growth, and development and protects children from violence and discrimination. The Republic of Indonesia Law Number 23 of 2004 concerning the Elimination of Domestic Violence which protects women from domestic violence. The Republic of Indonesia Law Number 39 of 1999 concerning Human Rights which affirms the equality of rights of women and children as part of human rights. This legal protection is also strengthened by institutions such as the Indonesian Child Protection Commission (KPAI), even with the existence of the Human Rights Commission and the Ministry of Human Rights. However, the main challenges lie in the implementation of the law, weak law enforcement, and the patriarchal culture that is still strong in society.

Protection of women and children is a fundamental aspect of the national legal system in force in Indonesia. Women and children are groups that have a strategic position in national development, but in social practice often face various forms of vulnerability, such as discrimination, violence, exploitation, human trafficking, sexual harassment, neglect, and violations of their basic rights. From the perspective of a state based on law as stated in Article 1 paragraph (3)

The 1945 Constitution of the Republic of Indonesia, Indonesia is obliged to guarantee the protection of human rights for all citizens without discrimination. Protection of women and children is not only a social issue, but is a constitutional obligation of the state to create justice, equality, and respect for human dignity. The Indonesian Constitution expressly provides the basis for protection through Article 28B paragraph (2) of the 1945 Constitution which states that every child has the right to survive, grow, develop, and receive protection from violence and discrimination. In addition, Article 28D paragraph (1) guarantees the right of every person to recognition, guarantee, protection, and fair legal certainty.

Thus, the protection of women and children in Indonesian national law constitutes a legal system encompassing constitutional aspects, criminal law, civil law, state administrative law, and national development policy. In comparison, in the United States, child law, like other laws in the United States, is not national law but is regulated by each state.

The constitutional basis for the protection of women and children is the 1945 Constitution of the Republic of Indonesia, Article 27 paragraph (1) of the 1945 Constitution, which states that "All citizens have equal standing before the law and government and are obliged to uphold the law and government without exception." This provision affirms the principle of equality before the law, including for women and children. Article 28 A of the 1945 Constitution of the Republic of Indonesia has guaranteed the right of every person to live and defend their life. That "Every child has the right to survival, growth and development and has the right to

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

protection from violence and discrimination." Article 28 G of the 1945 Constitution of the Republic of Indonesia states that "Guarantees the right of every person to protection of themselves, their families, honor, dignity, and a sense of security." In Article 28H of the 1945 Constitution of the Republic of Indonesia, Guarantees the right to obtain welfare and health services. These provisions show that the protection of women and children is part of the protection of human rights guaranteed by the state.

Protection of women in national law is based on the principle that women have equal status with men in various areas of life, including politics, economics, social, culture, and law. Indonesia has adopted the principle of gender equality through various regulations, including Law of the Republic of Indonesia Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women/CEDAW. In addition, there is Presidential Instruction Number 9 of 2000 concerning Gender Mainstreaming in National Development. Through the ratification of CEDAW, Indonesia has an obligation to eliminate all forms of discrimination against women and guarantee women equal rights. Protection of women from violence is a serious concern in providing protection for women from gender-based violence. Violence against women can take the form of physical violence, psychological violence, sexual violence, economic violence, domestic violence, and exploitation and trafficking of women. Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) is an important legal instrument in providing protection for women, especially victims of violence in the family, by defining violence in the household that any act against a person, especially a woman, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household.

The forms of protection contained in the Domestic Violence Law include legal protection, where victims receive protection from law enforcement officials. Then, social protection, where victims are entitled to psychological assistance and health services. And there is also recovery protection, where victims receive rehabilitation and control over their physical and mental conditions. The development of national law over time has strengthened protection for women through a legal regulation, namely Law of the Republic of Indonesia Number 12 of 2022 concerning Criminal Acts of Sexual Violence, abbreviated as the TPKS Law, which is a special legal instrument that regulates various forms of sexual violence. Types of crimes in the TPKS Law include non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronic-based sexual violence. The TPKS Law provides a new paradigm that victims not only require punishment for the perpetrator, but also the right to treatment, the right to protection, and the right to recovery.

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Child protection in Indonesian national law places children as a trust and the next generation of the nation who have special rights because they are still in the stage of physical, mental, and social development. According to Indonesian law, a child is someone who is under 18 years of age, including children who are still in the womb. Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, this law is the main basis for child protection in Indonesia. The main principles of child protection include the principle of non-discrimination. Every child has the same rights without distinction of gender, religion, ethnicity, social conditions, and family status. In addition, there is the principle of the best interest of the child, that every decision concerning children must prioritize the best interests of the child. The next principle is the right to life and development, where the state is obliged to ensure that children can live decently, receive education, get health, and develop optimally. Finally, the principle of respect for children's opinions, where children have the right to be heard according to their age and maturity.

The form of child protection in national law includes protection from violence, where children must be protected from physical violence, psychological violence, sexual violence, exploitation, and neglect. Perpetrators of violence against children can be subject to severe penalties under the Child Protection Law. Protection from economic exploitation, where children must not be employed in hazardous work, exploited economically, or used as a means of profit. Protection from child trafficking, which is included in serious violations of children's rights. Protection of children in conflict with the law in the form of children who commit crimes are not only seen as perpetrators, but also as children in need of protection. For children who commit crimes, attention must be paid to the principle of proportionality, which curbs the use of punitive sanctions in the sense of mere retaliation or just desort¹¹. This is regulated in Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). The main principles of the SPPA are restorative justice, diversion, avoiding the criminalization of children, and rehabilitation.

social relations. In addition, it also pays attention to the principles of juvenile courts, namely the existence of age restrictions for children, juvenile courts examine children in a family atmosphere, juvenile courts require case splitting, the imposition of lighter sentences than for adults, handled by special officials, the presence of parents, guardians, or foster parents is required and the recognition of community mentors, the presence of legal counsel, and the detention of children is shorter than the detention of adults

The state's role in protecting women and children is its responsibility through legislation to create legal regulations that provide protection, such as the Domestic Violence Law, the Child

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Protection Law, the TPKS Law, and the SPPA Law. In addition, law enforcement is required by involving the police, the prosecutor's office, the courts, and the Witness and Victim Protection Agency (LPSK). Some institutions that play a role are the National Commission on Violence Against Women (Komnas Perempuan), the Indonesian Child Protection Commission (KPAI), the Police Women and Children Service Unit (PPA), and victim service institutions.

There are many challenges to protecting women and children in Indonesia. Despite the availability of numerous regulations, various challenges remain, such as the high rate of violence. Cases of violence against women and children persist due to patriarchal culture, unequal power relations, low legal awareness, and victims' economic dependence. Furthermore, there are barriers to reporting, with many victims not reporting due to fear, social stigma, family pressure, and distrust of the legal process. Finally, a challenge is weak implementation, with problems often arising in victim services, inter-agency coordination, and post-legal protection.

The protection of women and children under Indonesian national law is an integral part of human rights protection and the obligations of a state governed by the rule of law. This protection is based on the 1945 Constitution and various specific laws, such as the Law on the Elimination of Domestic Violence, the Law on Child Protection, the Law on Sexual Violence, and the Law on the Juvenile Criminal Justice System. Women are protected from all forms of gender-based discrimination and violence, while children receive special protection because they are in a developmental stage that requires state attention. However, the success of protection depends not only on the existence of legal regulations but also on effective law enforcement, changes in societal culture, strengthening of protection institutions, and the involvement of all elements of the nation in respecting the dignity of women and children as legal subjects with full rights.

3.3. Protection of Women and Children in International Law

International law provides global standards for the protection of women and children through various instruments, including the Convention on the Rights of the Child (CRC) in 1989, which guarantees children's rights to life, education, and protection. International law is seen as a science that encompasses all of humanity and is based on natural standards, including the nature of women.¹³ Therefore, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was established in 1989.

CEDAW of 1979, which eliminated all forms of discrimination against women. The Universal Declaration of Human Rights (UDHR) of 1948, which affirmed the equal rights of all human

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

beings. Instruments for the protection of women and children in international law bind participating countries to harmonize national laws with international standards.

The protection of women and children is a key issue in the development of modern international law, particularly in the field of international human rights law. Women and children have historically been among the groups that have experienced various forms of discrimination, violence, exploitation, marginalization, and restrictions on their basic rights. Therefore, the international community, through the United Nations (UN), has developed various legal instruments aimed at ensuring that women and children receive protection, respect, and the fulfillment of their rights on an equal basis with other human beings.

From an international legal perspective, protecting women and children is not merely viewed as a moral or social obligation, but has evolved into a legal obligation for countries that are parties to various international conventions. States have a responsibility to respect, protect, and fulfill the rights of women and children through the establishment of national regulations, public policies, protection institutions, and law enforcement mechanisms. Developments in international law demonstrate a paradigm shift that women and children are no longer merely objects of protection but rather subjects of international law with inherent rights based on human dignity.

The primary basis for the protection of women and children in international law stems from the principle of the universality of human rights, which affirms that every human being, regardless of gender, age, race, religion, social status, or other conditions, has fundamental rights inherent from birth. This principle was first affirmed in the Universal Declaration of Human Rights (UDHR), which states that all human beings are born free and equal in dignity and rights. Based on this principle, discrimination against women and children is considered a violation of the principle of human equality. States are not only prohibited from discriminating, but are also obliged to take active steps to eliminate social, cultural, and legal structures that cause injustice.

The principle of non-discrimination is fundamental to all international human rights instruments. Protection of women focuses on eliminating gender-based discrimination, while child protection focuses on eliminating discrimination based on a child's age and condition. Discrimination against women, in international law, is understood as any form of distinction, exclusion, or restriction based on sex that has the purpose or effect of impairing the recognition, enjoyment, or implementation of women's human rights and fundamental freedoms.

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

In international child law, a key principle is that all actions concerning children must prioritize the child's best interests. This principle was developed through the Convention on the Rights of the Child (CRC), the primary international instrument for child protection. The CRC affirms that children have the right to life and development, protection from violence, education, health care, and participation.

in decisions that affect their lives. This concept transforms the old paradigm that viewed children as vulnerable individuals into individuals with independent legal rights.

The most important instrument for protecting women is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW is often referred to as the "International Bill of Rights for Women" because it specifically regulates the elimination of all forms of discrimination against women. This convention was adopted by the UN General Assembly in 1979 and entered into force in 1981. CEDAW contains several key principles for the elimination of gender discrimination. CEDAW requires state parties to incorporate the principle of equality of men and women into their national legal systems, eliminate discriminatory regulations, and provide effective legal protection to women. States are not sufficient to simply have neutral regulations; they must also ensure substantive equality.

Protection of Women's Political Rights, with CEDAW guaranteeing women's right to vote and be elected, participate in government, hold public office, and participate in community organizations. This demonstrates that women have equal rights in political life and decision-making. CEDAW requires states to provide women with equal opportunities in education, employment, professional training, and access to economic resources. This protection aims to eliminate social practices that limit women to the domestic sphere. CEDAW also serves as an international basis for eradicating trafficking in women, sexual exploitation, gender-based violence, and cultural practices that harm women. Other international instruments, such as the Palermo Protocol, also regulate the prevention and eradication of human trafficking, especially women and children.

The CRC is the most comprehensive international legal instrument on child protection. The CRC regulates four main groups of children's rights: the right to survival, the right to health, the right to food, and the right to a decent standard of living. Protection rights, where children must be protected from physical violence, sexual violence, economic exploitation, child trafficking, and neglect. The state has an obligation to create a legal and social protection system for children. Development rights, where children have the right to education, mental development, social development, and freedom of thought and opinion. Participation rights, with the CRC recognizing that children have the right to express their opinions on various

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

issues that affect their lives.

The protection of women and children under international humanitarian law. In situations of armed conflict, women and children are among the groups most vulnerable to human rights violations. International humanitarian law, through the Geneva Conventions of 1949, provides special protection for pregnant women, nursing mothers, children, and victims of civil conflict. Prohibitions against rape in conflict, sexual violence, recruitment of child soldiers, and the killing of civilians have developed into an important part of international criminal law. Violence against women and children as a violation of international human rights, namely in the study of international law, violence against women and children is no longer considered a private matter, but rather a public issue and a violation of human rights. This form of violence includes physical violence in the form of abuse, torture, mutilation, and murder. Other forms of violence include sexual violence.

These include rape, sexual exploitation, sexual trafficking, and sexual harassment. Psychological violence includes intimidation, threats, insults, and discriminatory treatment. Economic exploitation includes child labor, forced labor, and human trafficking. Therefore, international law provides for the right of self-defense for women.

State obligations to protect women and children. Under international law, states have three main obligations: first, the obligation to respect, or Obligation to Respect. States may not implement policies or actions that violate the rights of women and children, such as creating discriminatory regulations and restricting women's access to education. Second, the obligation to protect, or Obligation to Protect, states must protect women and children from third-party actions, such as the criminalization of sexual violence and the protection of victims of human trafficking. Third, the obligation to fulfill, or Obligation to Fulfill, states must provide health services, education, legal aid, and rehabilitation for victims.

The implementation of international law in the Indonesian legal system is that Indonesia as a member of the international community has ratified various international instruments regarding the protection of women and children. CEDAW was ratified through Law of the Republic of Indonesia Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination against Women. Indonesia also ratified the CRC through Presidential Decree Number 36 of 1990 concerning the Ratification of the Convention on the Rights of the Child. This ratification has the consequence that Indonesia has an obligation to harmonize national laws with international standards. Its implementation is seen through various national regulations such as the Child Protection Law, the Law on the Elimination of Domestic Violence, and the Law on Criminal Acts of Sexual Violence.

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

A critical analysis of the protection of women and children in international law demonstrates that, despite the existence of numerous international instruments, the protection of women and children still faces various challenges, particularly the gap between norms and implementation. Many countries have ratified international conventions, but their implementation remains weak due to patriarchal culture, weak legal institutions, and victims' lack of access to justice. Cultural and social factors include some cultural practices that still perpetuate child marriage, gender discrimination, and restrictions on women's rights. International law emphasizes that cultural reasons cannot be used to justify human rights violations. The challenges of globalization, coupled with technological developments, have given rise to new forms of exploitation, such as transnational human trafficking, online sexual exploitation of children, and technology-based violence.

The protection of women and children in international law studies is an integral part of the development of modern human rights law. Through various instruments such as CEDAW, the CRC, international humanitarian law, and instruments to combat human trafficking, the international community has established universal standards for the protection of these vulnerable groups. Women and children are no longer viewed as groups simply in need of compassion, but as rights holders with legal standing that must be respected and guaranteed by the state. Therefore, the success of protecting women and children depends not only on the existence of international legal norms, but also on the state's commitment to translating these norms into national policies, effective institutions, and a legal culture that upholds the principles of equality, justice, and human dignity.

The protection of women and children is a fundamental issue in the development of modern law because it is directly related to respect for human dignity, justice, and the fulfillment of human rights. As vulnerable groups, women and children often face various forms of discrimination, violence, exploitation, and unfair treatment, necessitating a legal system capable of providing comprehensive protection.

From an Islamic legal perspective, the protection of women and children is based on the principles of justice (al-'adl), public welfare (maslahah), respect for human dignity (karamah insaniyah), and the fulfillment of rights and obligations within the family and society. Islam pays attention to the rights of women and children through provisions concerning the protection of life, honor, education, care, livelihood, and the prohibition of all forms of violence and oppression. Islamic law has a relationship with national law, because Islamic law, as a legal structure, has similarities and differences with other legal structures.

Meanwhile, Indonesian National Law regulates the protection of women and children through

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

various laws and regulations oriented towards fulfilling citizens' constitutional rights. These guarantees are reflected in the 1945 Constitution of the Republic of Indonesia, the Law on Human Rights, the Child Protection Law, and various regulations related to the prevention and handling of violence against women and children.

Within the scope of International Law, the protection of women and children is part of the global human rights agenda through various international instruments, such as the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC). These instruments affirm the state's obligation to eliminate discrimination, prevent violence, and ensure optimal child development. Therefore, a comparative analysis between Islamic Law, National Law, and International Law is important to examine the similarities, differences, and contributions of each legal system in providing protection for women and children. This study is expected to provide a deeper understanding of how these three legal perspectives complement each other in realizing just protection oriented towards respect for human rights.

Studies of Islamic law, national law and international law in the protection of women and children, all three acknowledge the importance of protecting women and children by emphasizing the principles of justice and equality, and regulating the prohibition of violence and Discrimination. The differences between Islamic law, national law, and international law regarding the protection of women and children can be seen in the following table:

Table 1: Differences between Islamic law, national law and international law in the protection of women and children

Aspect	Islamic Law	National Law	International Law
Source	Revelation (Quran & Hadith)	Constitution & Law	International treaty
Characteristic	Religious normative	Formal positive	Universal normative
Enforcement	Morals & Sharia law	State apparatus	UN mechanisms

Source: Processed from various references

The above description demonstrates the weaknesses and challenges of Islamic law, national law, and international law in protecting women and children. Implementation of Islamic law varies across countries. National law, in the form of law enforcement, is not yet optimal. International law relies on state ratification. This creates an integration of the three legal systems—Islamic, national, and international law—that can create a more comprehensive protection system. Indonesia, as a Muslim-majority country, has a significant opportunity to synergize sharia values with international human rights standards. This concept is known as

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

legal harmonization, which aligns legal norms so that they do not conflict but rather reinforce each other.

The integration of Islamic Law, National Law, and International Law can create a more comprehensive system for protecting women and children through a combination of the values of justice, humanity, human rights, and legal certainty. The synergy of these three legal systems can strengthen efforts to prevent, protect, and fulfill the rights of women and children comprehensively. Islamic Law provides a moral foundation and values of welfare that place women and children as parties who must be respected, protected, and have their rights fulfilled. Meanwhile, National Law plays a role in providing binding legal instruments through various laws and regulations, while International Law provides global standards for the protection of human rights, equality, and the elimination of all forms of discrimination and violence against women and children. By harmonizing these three legal systems, protection for women and children is not only normative but can also be realized in effective law enforcement policies and practices. This legal integration is a strategic approach to creating a just, responsive, and sustainable protection system in accordance with societal developments and human rights principles.

4. Conclusion

The protection of women's and children's rights in the three legal systems demonstrates a common underlying principle: justice and protection for vulnerable groups. Islamic law provides a normative-ethical foundation, while national law provides legal certainty. While international law provides universal standards, the biggest challenge lies in implementation and enforcement on the ground. Based on a comparative study of the protection of women's and children's rights from the perspectives of Islamic Law, National Law, and International Law, it can be concluded that all three legal systems share a common orientation, namely placing women and children as legal subjects with basic rights that must be respected, protected, and fulfilled. Despite differences in legal sources, approaches, and protection mechanisms, Islamic Law, Indonesian National Law, and International Law all emphasize the importance of respecting human dignity, justice, and preventing all forms of discrimination, violence, and exploitation against women and children. In the perspective of Islamic law, the protection of women and children is based on the principle of *maqāṣid al-syarī'ah* which places protection of life (*hifẓ al-nafs*), offspring (*hifẓ al-nasl*), honor (*hifẓ al-'ird*), and benefit as the main objectives of the law. Islam recognizes women's rights in the fields of family, education, economics and social matters, and pays special attention to children's rights through the obligations of care, education, love and protection from actions that are detrimental to the

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

best interests of children. The principles of justice and humanity in Islam show that women and children are not just objects of protection, but are individuals who have rights and positions that must be respected. From the perspective of Indonesian National Law, the protection of women and children has a constitutional basis through the 1945 Constitution of the Republic of Indonesia, particularly the principle of equality of citizens and the protection of human rights. Various regulations, such as the Law on Child Protection, the Law on the Elimination of Domestic Violence, and regulations related to women's protection, demonstrate the state's commitment to providing legal guarantees to vulnerable groups. However, various implementation issues remain, such as high rates of violence against women and children, limited access to justice, and suboptimal coordination between institutions in providing protection and recovery for victims. From an international legal perspective, protecting the rights of women and children is part of a global human rights regime that prioritizes equality, non-discrimination, and the best interests of children. International instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) provide universal standards for countries to establish legal protection systems. International law also affirms that states have a state obligation to respect, protect, and fulfill the rights of women and children through legal policies, institutions, and sustainable development programs. Thus, protecting the rights of women and children requires an integrative approach that incorporates moral values and justice in Islamic law, an effective national legal system, and international human rights standards. The primary challenge lies not only in establishing legal norms, but also in effective implementation, changing society's legal culture, and strengthening protection institutions so that women's and children's rights can be truly realized in real life.

5. References

Books:

- A. Hanafi, A. (1977) Pengantar dan Sejarah Hukum Islam. Jakarta: Bulan Bintang, 1977.
Ibrahim, Johnny (2019). Teori dan Metodologi Penelitian Hukum Normatif. Malang: Banyumedia Publishing.
- Adi, Rianto (2005). Aspek Hukum dalam Penelitian. Jakarta: Yayasan Pustaka Obor Indonesia.
Ali, Zainuddin (2019) Metode Penelitian Hukum. Jakarta: Sinar Grafika
- Kadir Muhammad, Abdul (2004) Hukum dan Penelitian Hukum. Bandung: PT. Citra Aditya Bakti.

Protection of Women's and Children's...
(Usman Firiansyah)



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Likadja, E. Frans dkk. (1988) *Desain Instruksional Dasar Hukum Internasional*. Jakarta: Ghalia Indonesia.

Marzuki, Peter Mahmud.(2021). *Penelitian Hukum Edisi Revisi*. Jakarta: Kencana Prenada Media Group.

Muladi dkk (1982). *Bunga Rampai Hukum Pidana*. Bandung: Alumni.

Munajat, Hadin Munajat dkk,(2012) *Penelitian Hukum Indonesia Kontemporer*. Yogyakarta: Genta Publishing.

Nashriana. (2012). *Perlindungan Hukum Pidana Bagi Anak di Indonesia*. Depok: Rajawali Pers.

Soekiti, Sri Widoyati Wiratmo .(1983) *Anak dan Wanita Dalam Hukum*. Jakarta: LP3ES. Tahir, Palmawati dkk. (2018) , *Hukum Islam*.Jakarta: Sinar Grafika.

Starke, J.G. (1965) *Pengantar Hukum Internasional*. Bandung: CV.